

Environmental Collaboration and Conflict Resolution Federal Forum

Meeting Notes

White House Conference Center
734 Jackson Place NW, Washington, DC
Tuesday, June 25, 2019
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. See [Appendix 1](#) for a participant list.

General Updates from CEQ

The Council on Environmental Quality (CEQ) is reviewing and updating the National Environmental Policy Act (NEPA) regulations for the first time in 40 years. The comment period on the Advanced Notice of Proposed Rulemaking closed last August, and the draft rule is being finalized. Agencies should get a chance to review prior to the public comment period.

The Council on Environmental Quality (CEQ) is also publishing draft guidance on how National Environmental Policy Act (NEPA) analysis and documentation should address greenhouse gas (GHG) emissions. This Draft National Environmental Policy Act Guidance on Consideration of Greenhouse Gas Emissions, if finalized, would replace the final guidance CEQ issued on August 1, 2016, titled “Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews,” which was withdrawn effective April 5, 2017 for further consideration pursuant to [Executive Order 13783](#) of March 28, 2017, “Promoting Energy Independence and Economic Growth.” Comments should be submitted on or before July 26, 2019. You can find it here: <https://www.federalregister.gov/documents/2019/06/26/2019-13576/draft-national-environmental-policy-act-guidance-on-consideration-of-greenhouse-gas-emissions>

General Updates from USIECR

The Udall Foundation has been interviewing for the Executive Director position and will decide on a candidate in the coming weeks.

USIECR is overhauling their ECCR training program with the help of a detailee from NOAA. Changes and updates are expected to be finalized before the end of the calendar year.

Association for Conflict Resolution Annual Conference

The Association for Conflict Resolution (ACR) will be hosting a conference September 18-21, 2019 at the Westin La Paloma Resort and Spa in Tucson, Arizona. The Environment and Public Policy (EPP) section of ACR will be hosting several sessions at the conference.

Lauren Nutter, USIECR, and Frank Sprtel, NOAA, are assisting with the ACR conference and can provide answers to any questions. Please see the website for additional information: <https://acrnet.org/>

General Updates from Other Agencies

Department of Energy (DOE): DOE recorded their annual attorney's training on April 30th, 2019 in Washington, D.C. Dana Goodson, U.S. Institute for Environmental Conflict Resolution (USIECR), presented on ECCR. If you are interested in hearing the recording, please e-mail Steve Miller, steven.miller@hq.doe.gov

Environmental Protection Agency (EPA): DOE and EPA are working on a project in Kentucky currently. One of the Administrative Law Judges, that supported ADR, has retired. As a result, ADR is not being utilized as often in the agency and workload has increased tremendously. EPA's ECR services contract has been extended to September 30th. They will have a new one in place July 30th. They are trying to consolidate task orders to have clients be able to exercise "just in time" task orders to avoid extra work on the agency side. Lastly, Jeanne Briskin will be reassigned to a different SES position at some point, but she is unclear on details as of right now.

Department of Interior (DOI): DOI is currently working to establish a group within CADR to focus on ECCR. CADR is also GIS mapping the ECCR cases they work on so that they can share information across the agency. CADR's strategic plan for the next 5 years will be completed this fiscal year. Lastly, Jacqueline Jones was nominated the new Deputy Assistant Secretary for Administrative Services at DOI.

U.S. Army Corps of Engineers (USACE): USACE will be rolling out a survey on collaborative capacity to try to gain information to start developing their strategic plan.

Department of Homeland Security (DHS): Pat Spillman will take over the ECCR portfolio when Bill Bresnick retires.

Discussion: Recommended Improvements to Annual ECCR Synthesis Report

Objective: Present and discuss potential improvements recommended by the work group.

At the ECCR Forum Quarterly meeting on October 16, 2018, CEQ and the USIECR asked the agencies how to enhance efficiency in the reporting process and increase the utility of the annual ECCR synthesis report. A work group was formed to discuss the suggestions collected at that meeting and to make additional suggestions based on their experience with the report. Over the course of several meetings, the Work Group reviewed recommendations made at the October 16th meeting, as well as a previous Work Group's suggestions from 2016, and sent out their suggested recommendations to the ECCR Forum prior to this Quarterly Meeting.

Key points from the discussion by the full forum are captured below by work group recommendation:

Overview (Page 1 of Summary Report)

Work Group Recommendation: Focus the annual synthesis on "telling the story" of ECCR in the federal government that year: highlight trends, changes, and new information, highlight at least one case study on interagency collaboration, and move information that doesn't change from year to an appendix).

Discussion: To create a "theme", we would have to show how relevant ECCR is each year and across the agencies. USIECR provides a unique perspective to draft the abstract and could then get feedback from the full forum or workgroup.

This abstract could be formed using the case studies that each agency provides to draw a consistent theme but would also need discussion by an ECCR Forum work group or the full forum. This discussion would occur at the ECCR Forum late summer or early fall yearly.

Data Collection and Reporting Challenges (Page 13 of Summary Report)

Work Group Recommendation: Either discontinue or still ask respondents to “*Please comment on any difficulties you encountered in collecting these data and if and how you overcame them. Please provide suggestions for improving these questions in the future*” in the annual report template. If the ECCR Forum decides to continue to collect the data, it was suggested to outline this data in a separate document that the Forum uses as a working document through the year on:

- Narrative of new data collection and reporting challenges
- Suggestions on how to aid future data collection efforts

Discussion: The question was posed to the ECCR Forum “What might we lose by not having this question?”. ECCR forum members responded saying that normally answers don’t change for this question but when changes occur, it is important to communicate that to the Forum. ECCR forum members agreed that the question should still be asked but not reported in the Annual ECCR Summary Report. Instead, ECCR forum members wish to discuss the answers to this question at an ECCR Forum meeting to determine a baseline for this data and to help problem solve reporting challenges together.

Recommended Changes to Reporting Template

Question #1a: Add language to specify that only NEW or INCREASED steps taken to build capacity should be reported.

Discussion: ECCR forum members suggested and agreed to changing the language to NEW or CHANGED.

Question #1b: Add request for information on ECCR trainings given to agency staff.

Discussion: One ECCR forum member asked to simplify the question to reduce burden to “Please describe the trainings given in your department in FY 19.” Another ECCR forum member agreed describing how it is difficult to get numbers for online trainings. The conclusion was to keep the question as “Please describe the trainings given in your department/agency in FY19. Please include a list of the trainings if possible. If known, provide the course names and if possible, the total number of people trained. Please refer to your agency’s report from last year to include only new trainings in this section. If none, leave this section blank.” This allows ECCR forum members flexibility in their reporting to reduce burden.

Another ECCR forum member suggested highlighting one or two answers of the benefits of their trainings. Forum members did not reach a conclusion on whether to incorporate this suggestion.

Question #2a &2b: Add language that only NEW or INNOVATIVE investments or benefits.

Discussion: ECCR forum members suggested and agreed to changing the language to NEW or CHANGED or INNOVATIVE.

Question #3: Separate out space to report on interagency ECCR case data for easier data entry.

Discussion: ECCR forum members suggested that the two current tables be split into three tables to describe the level of ECCR use within their department/agency. These would include:

1. Decision-making forum that was addressing the issues when ECCR was initiated: federal agency decision, administrative proceedings/appeals, judicial proceedings, and other (specify)
2. Interagency ECCR Cases and Projects
3. ECCR Cases or projects completed and ECCR Cases or projects sponsored

Question #4: Ask for an interagency case example if possible.

Discussion: This topic was discussed at the March 12, 2019 ECCR Forum meeting and the ECCR Forum conclusively supported highlighting interagency cases in a narrative format.

Question #5, #6 & #8: Add language to specify that only NEW or INCREASED steps taken to build capacity should be reported.

Discussion: One ECCR forum member stressed the importance of giving the reader context from the previous year's report by encouraging agencies to emphasize changes from year to year in their reports since their information might not be necessarily "new". Agencies without centers, such as NOAA, are typically reporting "new" information since they are incorporating new ECCR practices within their agency. To ensure that agencies with more established ECCR programs and agencies with new ECCR programs are able to highlight their accomplishments from year to year without the reader consulting older versions of the Annual ECCR Report, ECCR forum members agreed to changing the language to NEW or CHANGED.

Other Topics

- An ECCR forum member suggested that the annual summary report include an executive summary.
- ECCR forum members expressed concern that they would not be able to provide data or answers for some of the questions on the ECCR Annual Report Template. Courtney Owen, USIECR, clarified that answering "none" or "n/a" on the ECCR annual report is acceptable. This is clarified on the ECCR Report Template.
- One ECCR forum member suggested that each agency provide a high-level synopsis about ECCR in their agency such as how many dedicated staff support ECCR and is the annual budget number (to the extent they can). It was suggested to either have this in the appendix of the Annual ECCR Report or on the ECCR CEQ website or the USIECR ECCR in the Federal Government webpage. This conversation was tabled for further discussion at the next ECCR Forum meeting.

Next Steps

USIECR will attempt to incorporate the changes discussed to the extent that they can for the FY18 Annual ECCR Report for feedback from the ECCR Forum. See previous agreed upon changes in [Appendix 2](#).

Next Forum Meeting

CEQ and the U.S. Institute will identify a date for the next forum meeting in October 2019. Forum members will receive a calendar invite.

Appendix 1

Attendees

| Name | Agency |
|----------------------------|--|
| Ami Lovell | Department of Transportation |
| Bill Bresnick | Department of Homeland Security |
| Brian Manwaring | U.S. Institute for Environmental Conflict Resolution |
| Catherine Johnson | Veterans Affairs |
| Charles Sherrill | Department of Energy |
| Courtney Owen | U.S. Institute for Environmental Conflict Resolution |
| Crorey Lawton | U.S. Army Corps of Engineers |
| Deirdre Remley | Federal Highways Administration |
| Frank M. Sptel | National Oceanic and Atmospheric Administration |
| Hal Cardwell | U.S. Army Corps of Engineers |
| J.D. Hoyle | Federal Energy Regulatory Commission |
| Jacob Glass | Office of Management and Budget |
| Jacob Strickler | Environmental Protection Agency |
| Jeanne Briskin | Environmental Protection Agency |
| Jennifer Ryan | U.S. Army Corps of Engineers |
| Joy Keller-Weidman | U.S. Institute for Environmental Conflict Resolution |
| Karen White | National Guard Bureau |
| Naoyo Mori | Department of Energy |
| Stephanie Kavanaugh | U.S. Institute for Environmental Conflict Resolution |
| Steven Miller | Department of Energy |
| Ted Boling | Council on Environmental Quality |
| Terry Bowers | United States Air Force |
| Tyson Vaughan | U.S. Army Corps of Engineers |
| William Hall | Department of Interior |

Appendix 2

Decisions from the Work Group (finalized at April 4th, April 25th, May 14th WG meetings)

Key points from the work group discussions are captured below by each work group recommendation:

Overview (Page 1)

Work Group Recommendation and Decision: Report Template Question Number 3 Table on ECCR Use: We broke up the table into three separate charts as it is hard to read in its current form.

Training (Page 1)

Work Group Recommendation: Is there interest in collecting this data as part of quantifying agency investments? Could present an increased reporting burden. Could also be optional.

Decision: Moved to be incorporated in question 1.

ECCR Sponsorship, Participation, and Context (Page 2)

Work Group Recommendation: Is there a better way to display data from small agencies for Figure 1 Distribution of ongoing ECCR cases in the federal government, FY 2007 to FY 20##?

Decision: This will remain the same so that all agencies are included and the data remains consistent throughout the years for analysis.

Contexts for ECCR (Page 4)

Work Group Recommendation: A previous recommendation was made to add “Environmental restoration and mitigation activities” to *Figure 3: FY 20## contexts and agency decisions-making forums for ECCR application*. Would this present any difficulties for anyone?

Decision: There was consensus amongst forum members present to *not* add this category to Figure 3. Forum members felt that environmental restoration and mitigation activities is hard to quantify within the Figure 3 table as it can fall under permitting and implementation, or other categories, which would cause overlap and double counting.

Work Group Question: Could agencies send in a list of the interagency cases they worked on with other agencies so that we can cross reference for an accurate number? And/or highlight one or a few interagency cases in a narrative in this section?

Decision: There was support to highlight interagency cases in a narrative format.

Work Group Recommendation: General info (like in Figure 2) on common contexts be included as part of the intro every year, with more detailed information in static document on USIECR website. Any new contexts for use can still be reported by agencies and included as submitted.

Decision: This information will be synthesized into a narrative and the contexts table will be included in the appendix. Only new information will be included in this section.

Work Group Recommendation: Include definitions for the contexts for ECCR applications on Figure 3. FY 20## contexts and agency decision-making forums for ECCR application (table). Does anyone have definitions?

Decision: Definitions will be not included since there are none readily available and would take a large amount of time and resources to create.

Work Group Recommendation: Should we display non-third party ECCR resolution efforts data in Figure 3. FY 20## contexts and agency decision-making forums for ECCR application (table)?

Decision: This will not be included as many agencies do not report this and the data collection will be difficult.

Investment in ECCR (Page 6)

Work Group Recommendation: Move detailed information of yearly investments in ECCR to a static document or on the USIECR website and only highlight new or increased investments in the body of the report.

- Narrative of big themes
- List of new notable agency-specific examples

Decision: This information will be synthesized into a narrative and consistent details will be placed in the appendix. Only new information will be included in this section.

Benefits of ECCR (Page 8)

Work Group Recommendation: Recommend this section will be reserved for only new information – general information on the known/demonstrated benefits should be moved to static report or on the USIECR website. Could highlight case studies here that demonstrate any new benefits or uses of ECCR, such as those that highlight current administrations priorities.

Decision: This information will be synthesized into a narrative and section will be reduced to three main buckets of benefits: cost reduction, improved relationships, and better outcomes. Within in each section, new contexts in which those benefits were actualized in an agency will be added in addition to a highlighted case example.

Analyzing ECCR Costs and Benefits (Page 11)

Work Group Recommendation: Only include new costs and benefits in synthesis report, move summary of recurring information to appendix.

- Narrative of new benefits of ECCR
- Examples of new benefits of ECCR

Decision: This information will be synthesized into a narrative and consistent details will be placed in the appendix. Only new information will be included in this section.