

Environmental Collaboration and Conflict Resolution

Quarterly Forum Meeting Notes

CEQ Conference Room
722 Jackson Place, Washington, DC

Tuesday, February 3, 2015
10:00am – 11:30am

Opening: Horst Greczmiel (CEQ) and Debra Drecksal (Udall Foundation-USIECR) welcomed participants and reviewed the agenda. A list of participants is included in Attachment 1.

General Updates: Peter Williams (Udall Foundation-USIECR) noted that USIECR has updated its website, and the ECCR Policy Forum materials can still be located at www.ECCR.gov. USIECR is also redesigning its evaluation approach, updating its National Roster of ECCR Professionals, and redesigning its trainings to better work with agency partners.

Horst Greczmiel reminded participants that the Forum should help break down the cylinders of excellence in agencies. He also alerted participants that Final Guidance for Effective Use of Programmatic NEPA Reviews is available on www.nepa.gov and on the CEQ website (<http://www.whitehouse.gov/administration/eop/ceq/initiatives/nepa/programmatic-reviews>) as a searchable PDF. CEQ issued a revised draft guidance for greenhouse gas emissions and climate change impacts, which describes how federal entities can collaborate on these topics. The link is available on www.nepa.gov, where anyone can submit comments electronically, or agencies can send them directly to Horst and let him know whether they want their input to be part of the public comments. CEQ posts comments on a weekly basis, and most are expected by February 23, 2015. Finally, Horst noted that the topics for discussion today are timely, help demonstrate how collaborative planning leads to better outcomes, and will help inform broader conversations about ECCR.

ECCR Updates from Agencies:

USIECR

- Recently hired Mike Lopez, a Senior Program Manager for Native American/Alaskan Native work, as well as two Program Associates. Looking to hire more staff in the near future. May have Mike participate in a Forum meeting to better understand other agency work around Native American/Alaskan Native issues.

DOT

- Julie Kaplan and Amy Coyle met with Suzanne Orenstein and Debra Drecksal from USIECR to discuss building ECCR capacity in DOT.
- Quarterly meetings are taking place with environmental attorneys at DOT. The General Counsel's office may create a section on ECCR.

FERC

- FERC has a designated position on its Help Line for issues related to infrastructure projects that will address inquiries and potential uses of ADR. This is a fairly high-level position, and it will help resolve disputes on pipeline and other issues.
- May need to develop further upstream collaboration tools for better addressing organized protesters. Energy Bar Association is doing a session on collaboration tools that are available and may be of use in this effort.

VA

- ECCR Report for FY 14 will be posted soon.

DOE

- Annual training will take place on last Wednesday in May.
- DOE has a number of people interested in becoming facilitators, so the agency is looking for low-cost trainings to meet the demand.
- Working to develop ECCR processes for ADR, specifically related to tribal governance. Finding that pursuing ECCR even in an informal context is important for reaching agreement, saving time, and avoiding litigation.
- Looking into working on cross-agency relationships. Starting work with DOJ on a case involving tribal treaty rights.

EPA

- Hired two new employees, Jake Strickler and Gina Cerasani, who will be integrated into ECCR efforts.
- Using ECCR Policy Forum Annual Reports to demonstrate internally the benefits that ECCR provides.
- Due to the expiration of USIECR Information Collection Requests (ICRs), EPA is creating its own ICRs for agreement seeking and non-agreement seeking processes. Joining EPA on this are FERC, USACE, and DOI. Others are welcome to join. EPA is hoping to submit ICRs to OMB in the spring.

NRC

- No updates to report.

USACE

- USACE is continuing to add public involvement specialists in divisions and districts in order to build capacity for public involvement.
- Employees in the district offices with skills and/or interest in conflict resolution and facilitation are meeting in Denver, CO this week for a USIECR training to help them develop their program and build expertise in public involvement.
- Working with EPA on ICR for ECCR.
- Recently submitted annual ADR report.
- Engaged with EPA about a Clean Water Act dispute that was successfully resolved. Using a facilitator to resolve a current issue.

DOJ

- Working with client agencies on dispute resolution and exploring how it can affect litigation. DOJ tries to negotiate resolutions where possible.

Army

- Just submitted our Annual Report.
- Engaged with EPA in a Clean Water Act resolution.

DOI

- DOI Bureaus, mostly BLM and BOEM, are using the DOI IDIQ for facilitators and mediators for ECCR. BOEM is using it for offshore renewable resource stakeholder engagement, and for engaging with NOAA over issues around seismic activities and impacts to marine mammals in the Gulf of Mexico. BLM is using it for travel management, off-road vehicle use, climate-related stakeholder assessments, LCC work, and facilitation with FWS.
- Various bureaus, including BLM and CADR, are doing ECCR trainings.
- DOI's in-house facilitation roster is growing. Currently has 30-35 people providing facilitation services. Annual training for DOI employees who want to join the roster is taking place in March in Denver, CO. Facilitators are mostly training for internal strategic planning efforts, but some are starting to do more with external agencies. Susan Goodwin is the point of contact for the roster.

ECCR Performance Metrics as reported by agencies in FY 2013 Annual ECCR Reports

Peter reviewed the handout "Reporting of ECCR Investments and Benefits in Collaboration and Conflict Resolution Processes in the Federal Government." The handout summarized the methods and challenges raised in previous reports and identified four major challenges. These included:

- Evaluation under limited agency funding. It is difficult to identify which costs and benefits (direct and indirect) should be evaluated, and to quantify intangible issues like avoiding litigation or building relationships.
- Formal reporting systems require significant time and effort from agencies.
- ECCR is integrated into other measures so it is difficult to isolate and measure only ECCR.
- Some agencies are stratified and others are centralized so it is difficult to establish comparability across agencies.

The handout also presented the metrics used by various agencies for assessing costs and benefits of ECCR activities.

Peter noted that conversations about quantitative and qualitative metrics for ECCR are happening in the federal government and elsewhere, including the Association for Conflict Resolution Environment and Public Policy Section and the International Association for Public Participation. Peter noted the importance of understanding this broader conversation to better evaluate and reflect costs and benefits of ECCR in the annual synthesis reports.

Peter Williams and Debra Drecksell urged participants to send additional comments or edits for the handout to Suzanne Orenstein at orenstein@udall.gov, preferably by February 10.

Peter noted that since there were references in the reports to Measures for Extent of ECCR Investments (third category), this category was added to the table for discussion but the reports had limited data on those investments.

Discussion

- With regard to the draft table, participants noted that because agencies have many different services and departments some of the line items apply to a particular agency(s) but are not reflective across the entire department. This applies particularly to DOD and DOI. They suggested keeping the large grouping by department but have caveats noted underneath each grouping or in a footnote. Another option could be to use two different symbols to indicate whether an agency either uses the strategy comprehensively or only in certain offices.
- One participant asked about Inter- and Intra-agency discussions under Qualitative Methods for Assessing Benefits. This entry on the draft table refers to debriefs or follow ups that were flagged in the reports.
- One participant raised a question about the Quantitative Methods re ECCR Benefits section. Some agencies track case dockets but not hours, and vice versa. The table should clarify whether they are mutually exclusive or dependent on each other. Peter clarified that these were combined for expediency and because they were roughly comparable, but the Forum members could discuss whether there is utility in separating them at a future meeting.
- Participants agreed that they need to clarify the purpose of the table and how it might be used beyond the ECCR Policy Forum to address the issues and questions raised. For now, it will remain a draft document for the Forum discussions.
- One participant expressed the request that reporting be kept as simple as possible.
- Next meeting will discuss concerns and lessons learned regarding metrics.

Agency experiences in using on-line tools for ECCR

Various agencies are working to develop tools for measuring collaborative processes. The White House developed a dashboard at www.performance.gov with information about interagency collaboration efforts. Participants discussed collecting information about IT tools that agencies are using for their ECCR reports as well as other internal tools used to manage activities. Important topics to be discussed include online tools, lessons learned, and challenges, especially related to boundaries or restrictions on types of data.

EPA

- Interested in learning about tools used during facilitation and for tracking collaboration.
- Internal tracking system exists for intake, whether it is a case or inquiry. Survey monkey has been used to collect survey data.
- Recently awarded a new 5-year contract that included capacity to support the use of online tools. EPA is interested in developing contracts that are written broadly enough

to include the use of new developing technologies. There is a need to develop online engagement tools due to travel restrictions. It would be helpful to have a robust engagement tool to help community involvement coordinators interact with the public over long distances. Recently did an online training on facilitating online meetings, which is only available internally. Hoping to expand this effort next fall.

FERC

- Continuing to track when inquiries are referred to other offices, which FERC publishes in its newsletter.
- Continuing to tracking outreach efforts for FERC's annual report to OMB. Incorporated ADR work into agency's automated tracking system. This can present challenges because of confidentiality issues related to which employees in the agency are able to access the information.
- Created a toll free line and contact emails for landowners seeking information about ADR.
- FERC includes the need for evolving technology in its performance standards and vacancy announcements.

Army

- Only tracking cases that go to ADR. A problem is that sometimes we work on a single case for 20 years.
- Staff is using online collaboration systems.

USACE

- Field offices use online information systems to track collaborative processes, but there isn't enough capacity or time to collect all of this information from field offices.
- Communication tools like DOD version of Adobe Connect are useful. DOD held a webinar last year for several hundred people using this technology. It took a lot of effort and preparation up front, but it ran smoothly.

USIECR

- Peter will reach out to USFS regarding past use of online web pages as part of public engagement strategies. These efforts in the past were evaluated using Google Analytics.

CEQ

- Important to have a conversation at the next Forum meeting about tools and methods that are available.
- Seeking lessons learned about developing web pages for collaboration.

Action:

- Horst requested that volunteers present their collaboration tools and how they are used during the next Forum meeting in May.
- Peter will reach out to USFS to ask if they will attend the next Quarterly Forum and whether they are willing to present information about USFS tools for collaboration.

Plan for next meeting

- The next Forum meeting will be scheduled for mid to late May 2015.
- Tentative Plan for May meeting:
 - Discussion of the next steps regarding the draft document on metrics and a focused conversation about what would be useful for agencies. Looking for clarifications and corrections to the table itself, lessons learned, and discussion of qualitative and quantitative metrics generally.
 - Demonstration of IT tools used for collaboration.
 - **Action:** Email Horst if you are willing to present information at the next meeting about technology your agency uses for collaboration.
 - **Action:** Peter will reach out to USFS.
 - Discussion of ECCR use in floodplains and by FEMA
 - Mike Lopez, the new USIECR Senior Program Manager for Native American/Alaskan Native work, will be invited to attend to introduce himself and talk about tribal ECCR work.

Other Action Items

- Participants can provide feedback or suggestions for the next meeting by emailing Suzanne (orenstein@udall.gov) or Debra (drecksel@udall.gov).

Attachment 1: Attendees

Attachment 2: Reporting of ECCR Investments and Benefits in Collaboration and Conflict Resolution (ECCR) Processes in the Federal Government

Attachment 1: Attendees

In Person:

Horst Greczmiel- CEQ
Debra Drecksell- USIECR
Andrea Grossman- OMB
Amy Coyle- DOT
Deborah Osborne- FERC
Catherine Johnson- Veterans Affairs
Steven Miller- DOE
Richard Kuhlman- EPA
Clare Mannion- CEQ
Francesca Hsie- CEQ
Sharin Abraham- DOE
Pat Collins- US Air Force
William Hall- EPA
Jake Strickler- EPA
Gina Cerasani- EPA
Valerie Puleo- USIECR

On Phone:

Peter Williams- USIECR
Susan Goodwin- DOI
Stacy Langsdale- USACE
Stacy Stoller- DOJ
Joan Olmstead- NRC
Julie Kaplan- DOT
Steve Kokkinakis- NOAA
Kerry Redican- USACE

ATTACHMENT 2
**REPORTING OF ECCR INVESTMENTS AND BENEFITS IN COLLABORATION AND
CONFLICT RESOLUTION (ECCR) PROCESSES IN THE FEDERAL GOVERNMENT**

Synthesis of FY 2013 Reports

Submitted by Federal Departments and Agencies

Pursuant to the OMB/CEQ Policy Memorandum on ECCR of September 7, 2012

Summary

This is a synopsis of Federal department and agency responses regarding ECCR investments and benefits for FY2013. It summarizes (1) methods reported as used (table 1) and (2) challenges reported. Full responses are found in Question 2(a), (b), and (c) of each agency's FY2013 Environmental Collaboration and Conflict Resolution (ECCR) Policy Report, submitted pursuant to the OMB/CEQ Policy Memorandum on ECCR of September 7, 2012. The U.S. Institute for Environmental Conflict Resolution developed this document in support of the ECCR Policy Forum.

Question 2: ECCR Investments and Benefits

- a) Please describe any methods your agency uses to identify the (a) investments made in ECCR, and (b) benefits realized when using ECCR.
- b) Please report any (a) quantitative or qualitative investments your agency captured during FY 2013; and (b) quantitative or qualitative results (benefits) you have captured during FY 2013.
- c) What difficulties have you encountered in generating cost and benefit information and how do you plan to address them?

This summary draws from responses submitted by twelve departments and agencies for FY 2013:

- Dept. of Defense (DoD)
- Dept. of Energy (DOE)
- Dept. of the Interior (DOI)
- Dept. of Transportation (DOT)
- Dept. of Veterans Affairs (VA)
- Nat'l Aeronautics and Space Administration (NASA)
- USDA Forest Service (USFS)
- Nat'l Oceanic and Atmospheric Adm. (NOAA)
- Environmental Protection Agency (EPA)
- Federal Energy Regulatory Commission (FERC)
- Nuclear Regulatory Commission (NRC)
- U.S. Institute for Envir. Conflict Res. (U.S. Institute)

Challenges with Cost-Benefits Reporting

All agencies reported challenges with generating cost and benefit information associated with ECCR. Examples include:

- Evaluation Investment: Limited agency funding vs. the cost of developing methods of monetizing cost-benefits of ECCR:
 - What types of activities and efforts should and should not be counted?
 - Which costs (direct and indirect) should be included in any financial tracking system?
 - How to quantify costs savings for intangible or hard to quantify benefits (litigation avoided, relationships built, etc.)?
 - What level of detail to include in the analysis?
- Reporting Systems: Development of formal mechanisms to collect and report on quantifiable benefits and/or costs savings of ECCR require agency time and planning efforts.
- Confounded Measures: ECCR is often integrated in overall agency projects and cases, making it challenging to evaluate ECCR benefits and costs separately.
- Comparability across agencies: Cost-tracking within differing agency structures (e.g., highly decentralized or highly stratified agencies)

In their FY2013 reports, Agencies identified a range of methods used to assess investments in ECCR as well as capture the benefits realized by use of ECCR processes. Table 1 represents a quick summary of examples of the variety of these methods.

Table 1. Range of Methods for Assessing benefits and costs of ECCR

	DoD	DO E	DOI	DO T	VA	NAS A	NOA A	USF S	EPA	FER C	NR C	USIEC R
Qualitative Methods for Assessing Benefits												
Annual Agency ECCR Reports	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Documentation of Lessons Learned	✓		✓									✓
Inter- and Intra-agency discussions	✓		✓	✓								✓
Observation of project process	✓	✓	✓	✓			✓	✓	✓	✓	✓	✓
Partnerships with other agencies	✓		✓	✓			✓	✓	✓			✓
Quantitative Methods re ECCR Benefits												
SEEER Project			✓						✓			
Evaluation instruments/surveys	✓		✓						✓			✓
Tracking Case hours/case dockets	✓		✓						✓			
ECCR included in staff performance plans or position descriptions			✓				✓			✓		
Measures for Extent of ECCR Investments¹												
Existence of central resource for ECCR in agency	✓ CPCX		✓ CADR						✓ CPR C	✓ DRD		✓ USIECR
Number of FTE's dedicated to ECCR												
Amount of funding dedicated to neutrals												
Number of projects in which ECCR is used												
Amount of funding support for travel for cases and ECCR outreach												
Number of trainings provided to agency staff												
Existence of IAGs and IDIQs to contract for neutrals												

¹ Measures listed are mentioned by one or more agencies; blank cells only indicate unclear data, not an absence of the measure.

