

## FY 2011 ECR Policy Report to OMB-CEQ

On November 28, 2005, the Director of the Office of Management and Budget (OMB), and the Chairman of the President's Council on Environmental Quality (CEQ) issued a policy memorandum on environmental conflict resolution (ECR).

The memorandum requires annual reporting by departments and agencies to OMB and CEQ on progress made each year. This joint policy statement directs agencies to increase the effective use and their institutional capacity for ECR and collaborative problem solving.

ECR is defined in Section 2 of the memorandum as:

*“third-party assisted conflict resolution and collaborative problem solving in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and land use. The term “ECR” encompasses a range of assisted negotiation processes and applications. These processes directly engage affected interests and agency decision makers in conflict resolution and collaborative problem solving. Multi-issue, multi-party environmental disputes or controversies often take place in high conflict and low trust settings, where the assistance of impartial facilitators or mediators can be instrumental to reaching agreement and resolution. Such disputes range broadly from administrative adjudicatory disputes, to civil judicial disputes, policy/rule disputes, intra- and interagency disputes, as well as disputes with non-federal persons/entities. ECR processes can be applied during a policy development or planning process, or in the context of rulemaking, administrative decision making, enforcement, or litigation and can include conflicts between federal, state, local, tribal, public interest organizations, citizens groups and business and industry where a federal agency has ultimate responsibility for decision-making.*

*While ECR refers specifically to collaborative processes aided by third-party neutrals, there is a broad array of partnerships, cooperative arrangements, and unassisted negotiations that federal agencies enter into with non-federal entities to manage and implement agency programs and activities. The Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving presented in Attachment A (of the OMB/CEQ ECR Policy Memo) and this policy apply generally to ECR and collaborative problem solving. This policy recognizes the importance and value of the appropriate use of all types of ADR and collaborative problem solving.”*

The report format below is provided for the sixth year of reporting in accordance with this memo for activities in FY 2011.

The report deadline is February 15, 2012.

We understand that collecting this information may be challenging; however, after compiling previous reports, the departments and agencies are requested to collect this data to the best of their abilities. The 2011 report, along with previous reports, will establish a useful baseline for your department or agency, and collect some information that can be aggregated across agencies. Departments should submit a single report that includes ECR information from the agencies and other entities within the department. The information in your report will become part of an analysis of all FY 2011 ECR reports. You may be contacted for the purpose of clarifying information in your report. For your reference, copies of prior year synthesis reports are available at [www.ecr.gov](http://www.ecr.gov).

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Date this report is being submitted:	February 15, 2012

## Section 1: Capacity and Progress

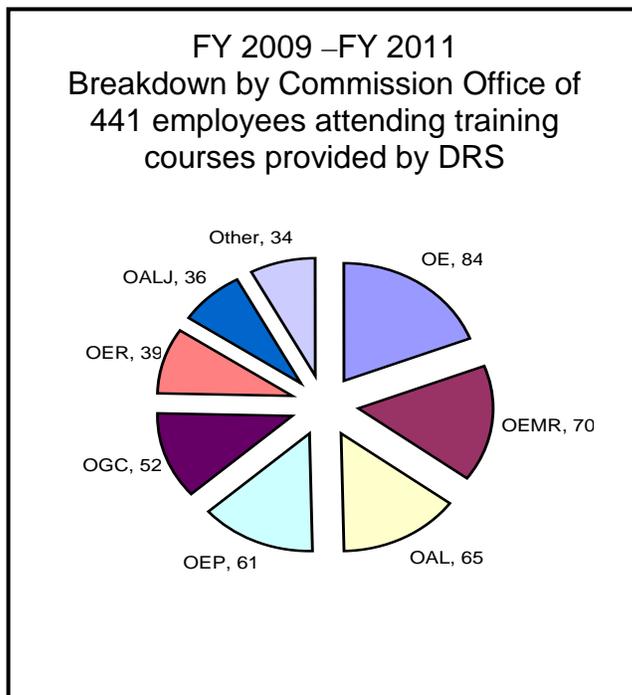
1. Describe steps taken by your department/agency to build programmatic/institutional capacity for ECR in 2011, including progress made since 2010. If no steps were taken, please indicate why not.

[Please refer to the mechanisms and strategies presented in Section 5 of the OMB-CEQ ECR Policy Memo, including but not restricted to any efforts to a) integrate ECR objectives into agency mission statements, Government Performance and Results Act goals, and strategic planning; b) assure that your agency's infrastructure supports ECR; c) invest in support or programs; and d) focus on accountable performance and achievement. You are encouraged to attach policy statements, plans and other relevant documents.]

The Commission continued to take steps to build programmatic/institutional capacity for environmental conflict resolution (ECR) in FY 2011. Below are highlights of activities and significant accomplishments during the year.

### The Commission's Infrastructure Supports Alternative Dispute Resolution (ADR)/ECR

On a regular basis, the Commission's Dispute Resolution Service (DRS) offers training to the approximately 1,500 Commission employees to build institutional capacity for ADR/ECR methods to prevent, reduce and resolve conflicts. In FY 2011, the DRS compiled data for a 3-year period during which the unit trained 441 Commission employees in ADR/ECR and related skill sets.



OE (Office of Energy Projects)/OEMR (Office of Energy Markets and Rates)/ OAL (Office of Administrative Litigation)/OEP (Office of Energy Projects)/ (OGC) Office of General Counsel/OER (Office of Electric Reliability)/OALJ (Office of Administrative Law Judges)/ Other (attendees from other agencies)

The FY 2011 ADR/ECR performance and achievement measures are as follows:

- The DRS successfully addressed/resolved 165 requests and referrals including ADR/ECR cases and responses to inquiries from the public and others on dispute resolution. Of that number, the DRS completed 20 non-environmental ADR cases and 59 ECR cases or a total of 79 cases.
- In FY 2011, of the mediated or facilitated cases that were closed during the reporting period, 98.6% achieved consensual agreement. This exceeds the target of 75% set for FY 2011.
- Customers for all casework and outreach services expressed favorable satisfaction with DRS. Respondents to casework surveys reported a 94.12% customer satisfaction rate. Respondents to outreach surveys reported a 90.89% customer satisfaction rate. This well exceeds the target of an 80% customer satisfaction rate set for FY 2011.
- DRS conducted 26 outreach events
- 82.14% of survey respondents affirmed that involvement of DRS saved them time and/or money over traditional processes. Affirmation from 82.14% of respondents exceeds the target of 75% set for FY 2011.

## Section 2: Challenges

2. Indicate the extent to which each of the items below present challenges or barriers that your department/agency has encountered in advancing the appropriate and effective use of ECR.

	Extent of challenge/barrier		
	Major	Minor	Not a challenge/barrier
	<b>Check <u>only</u> one</b>		
a) Lack of staff expertise to participate in ECR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Lack of staff availability to engage in ECR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Lack of party capacity to engage in ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Limited or no funds for facilitators and mediators	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Lack of travel costs for your own or other federal agency staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Lack of travel costs for non-federal parties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Reluctance of federal decision makers to support or participate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Reluctance of other federal agencies to participate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Reluctance of other non-federal parties to participate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Contracting barriers/inefficiencies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Lack of resources for staff capacity building	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Lack of personnel incentives	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Lack of budget incentives	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
n) Lack of access to qualified mediators and facilitators	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o) Perception of time and resource intensive nature of ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
p) Uncertainty about whether to engage in ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
q) Uncertainty about the net benefits of ECR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
r) Other(s) (please specify): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) No barriers (please explain): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Section 3: ECR Use

3. Describe the level of ECR use within your department/agency in FY 2011 by completing the table below. [Please refer to the definition of ECR from the OMB-CEQ memo as presented on page one of this template. An ECR “case or project” is an instance of neutral third party involvement to assist parties in reaching agreement or resolving a dispute for a particular matter. In order not to double count processes, please select one category per case for decision making forums and for ECR applications.]

	Cases or projects in progress <sup>1</sup>	Completed Cases or projects <sup>2</sup>	Total FY 2011 ECR Cases <sup>3</sup>	Decision making forum that was addressing the issues when ECR was initiated:				Of the total FY 2011 ECR cases indicate how many your agency/department	
				Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)	Sponsored <sup>4</sup>	Participated in but did not sponsor <sup>5</sup>
<i>Context for ECR Applications:</i>									
Policy development	_____	_____	_____	_____	_____	_____	_____	_____	_____
Planning	_____	_____	_____	_____	_____	_____	_____	_____	_____
Siting and construction	18	22* *includes 7 DRS cases	40	40	_____	_____	_____	40	_____
Rulemaking	_____	_____	_____	_____	_____	_____	_____	_____	_____
License and permit issuance	40* *Includes 6 separated staff	10* *includes 3 DRS cases and 1 separated staff	50	50	_____	_____	_____	50	_____
Compliance and enforcement action	19 DRS cases	49 DRS cases	68	68	_____	_____	_____	68	_____
Implementation/monitoring agreements	_____	_____	_____	_____	_____	_____	_____	_____	_____

<sup>1</sup> A “case in progress” is an ECR case in which neutral third party involvement began prior to or during FY 2011 and did not end during FY 2011.

<sup>2</sup> A “completed case” means that neutral third party involvement in a particular matter ended during FY 2011. The end of neutral third party involvement does not necessarily mean that the parties have concluded their collaboration/negotiation/dispute resolution process, that all issues are resolved, or that agreement has been reached.

<sup>3</sup> “Cases in progress” and “completed cases” add up to “Total FY2011 ECR Cases”.

<sup>4</sup> Sponsored - to be a sponsor of an ECR case means that an agency is contributing financial or in-kind resources (e.g., a staff mediator's time) to provide the neutral third party's services for that case. More than one sponsor is possible for a given ECR case.

<sup>5</sup> Participated, but did not sponsor - an agency did not provide resources for the neutral third party's services for a given ECR case, but was either a party to the case or participated in some other significant way (e.g., as a technical expert advising the parties).

Other (specify): _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
<b>TOTAL</b>	77	81	<b>158</b>	<b>158</b>	_____	_____	_____	_____	158	_____
	(the sum should equal <b>Total FY 2011 ECR Cases</b> )			(the sum of the Decision Making Forums should equal <b>Total FY 2011 ECR Cases</b> )					(the sum should equal <b>Total FY 2011 ECR Cases</b> )	

4. Is your department/agency using ECR in any of the substantive priority areas you listed in your prior year ECR Reports? Indicate if use has increased in these areas since they were first identified in your ECR report. Please also list any additional priority areas identified by your department/agency during FY 2011, and indicate if ECR is being used in any of these areas. Note: An overview of substantive program areas identified by departments/agencies in FY 2010 can be found in the FY 2010 synthesis report.

List of priority areas identified in your department/agency prior year ECR Reports	Check if using ECR	Check if use has increased in these areas
Natural Gas facility certificate application	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Hydropower licensing/relicensing application	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Renewable energy interconnections	<input checked="" type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
List of additional priority areas identified by your department/agency in FY 2011	Check if using ECR	
_____	<input type="checkbox"/>	

Please use an additional sheet if needed.

5. It is important to develop ways to demonstrate that ECR is effective and in order for ECR to propagate through the government, we need to be able to point to concrete benefits; consequently, we ask what other methods and measures are you developing in your department/agency to track the use and outcomes (performance and cost savings) of ECR as directed in Section 4 (b) of the ECR memo, which states: *Given possible savings in improved outcomes and reduced costs of administrative appeals and litigation, agency leadership should recognize and support needed upfront investments in collaborative processes and conflict resolution and demonstrate those savings and in performance and accountability measures to maintain a budget neutral environment* and Section 4 (g) which states: *Federal agencies should report at least every year to the Director of OMB and the Chairman of CEQ on their progress in the use of ECR and other collaborative problem solving approaches and on their progress in tracking cost savings and performance outcomes. Agencies are encouraged to work toward systematic collection of relevant information that can be useful in on-going information exchange across departments?* [You are encouraged to attach examples or additional data]

The Commission's DRS continues to develop, track, and report on the use and outcomes of ECR (performance and cost savings). We reported in the FY 2010 ECR Report (see response to Section 1) that the section was assigned all jurisdictional infrastructure complaints and disputes (primarily from landowners to date) in Commission Order No. 734, effective May 1, 2010. In FY 2011, we developed two innovative ways to specifically track and report ECR trends from this category of work: (1) DRS Helpline/Landowner Satisfaction Survey and (2) Semi-annual Helpline Reports. The DRS plans to use this data to evaluate the "long-term" and overall effectiveness of the use of ECR tools and application of ECR principles to this category of conflicts and resolutions, modifying procedures, as appropriate.

**1. DRS Helpline/Landowner's Satisfaction Survey with ECR Processes:**

The new helpline/landowner's satisfaction survey is a streamlined survey that asks respondents to indicate the extent to which they agree with statements relating to satisfaction, timeliness, cost savings, and whether they would recommend use of the DRS. It also asks the respondents to indicate whether they are a landowner/tenant, energy company, contractor, or other.

See appendix for the DRS Helpline/Landowner SurveyMonkey Survey

**2. New Semi-Annual, Internal Reports on DRS Helpline Activities and ECR Outcomes:**

The Landowner Helpline Report, which summarizes calls and ECR cases addressed by the DRS Helpline staff on jurisdictional (environmental) infrastructure concerns (e.g., siting, construction, restoration, operation and maintenance of natural gas pipeline line rights-of way), is disseminated semi-annually to senior Commission leadership and management. Given the confidentiality parameters guiding the work of neutrals, the

DRS withholds names of case-specific disputants from the report.

Landowners are the dominant caller group to the Helpline, and they primarily air concerns about the energy projects *and* the companies responsible for those energy facilities (e.g., natural gas pipelines, hydropower dams) on or adjacent to their properties as a result of Commission-approved licenses and certificates. To date, DRS has issued three Helpline Reports, each reporting for how ECR processes are playing out in the prevention, management and resolution of conflicts. Educational themes vary based on the synthesis of the data for any given period, but typically showcase the effectiveness of good ECR principles and conflict resolution process tools employed by the neutrals in successfully addressing the conflicts with a “very high success rate.”

Finally, through the Helpline reports, DRS educates Commission leadership on the benefit of using the expertise of DRS neutrals to guide parties in resolving their own problems even beyond the spectrum of environmental infrastructure complaints. (Note: this portion of our response is also relevant to Question/Section 1 on Capacity and Progress). In effect, more and more parties (energy companies and landowners together) are being put in charge of their own decisions and resolutions through ECR, reducing the need to have an authoritative decision-making body decide for them. Early data results are beginning to show that disputes are being resolved much sooner and more cost-effectively for these user-groups. Further, the early results are beginning to show repeat user groups for ECR and DRS in the company category, parties who have experienced the value of ECR in fostering improved relationships among former disputants.

6. Describe other significant efforts your agency has taken in FY 2011 to anticipate, prevent, better manage, or resolve environmental issues and conflicts that do not fit within the Policy Memo's definition of ECR as presented on the first page of this template.

Integrated Licensing Process

When the Commission adopted the Integrated Licensing Process (ILP) in 2003, it committed to studying the effectiveness of the ILP in achieving its goal of providing a more efficient and effective licensing process. In 2005 and again in 2010, Commission staff asked participants using the ILP about ideas, tools, and techniques that were being implemented (or could be implemented) to achieve the goals of the ILP within the framework of the existing regulations.

The ILP Effectiveness Study confirmed that the ILP is achieving its purposes of providing an efficient and effective hydropower licensing process in most cases. The study also brought to light areas where each constituency (applicants, agencies, tribes, NGOs) could focus attention to improve the process. Based on the feedback received, Commission staff, in March 2011, issued an updated document titled "Ideas for Implementing and Participating in the Integrated Licensing Process: Tools for Industry, Agencies, Tribes, Non-governmental Agencies, Citizens, and FERC staff (version 2.0)."

Small Hydro Program

In June 2011, Commission staff hosted a webinar to provide guidance on what types of hydropower projects qualify as a conduit or a 5-megawatt (MW) exemption and the requirements for filing an application for these types of projects in an effort to aid applicants in understanding their responsibilities in preparing a complete application in consultation with stakeholders.

Shoreline Management Plan Mediation

On December 9, 2011, one DRS staff member and two designated non-decisional Commission staff members were assigned to help the licensee and stakeholders resolve issues associated with development of a settlement agreement for the update to the Smith Mountain Project No. 2210 Shoreline Management Plan.

## Section 4: Demonstration of ECR Use and Value

7. Briefly describe your departments'/agency's most notable achievements or advances in using ECR in this past year.

Over time, the Commission continues to make advances in promoting the broad participation and use of alternative dispute resolution and ECR in its 5-year Strategic Plan (FY 2009 -2014). Since the use of ECR processes are most often “customer driven” the Commission’s DRS conducts outreach initiatives both internally and externally to a variety of stakeholders and customers to promote the value of ECR and the availability of. DRS staff to guide parties in making decisions to resolve their conflicts.

### Oil Pipeline Sector:

An effort was initiated in late FY 2010 to reach out to a diverse group of energy stakeholders representing the oil, natural gas, hydropower and electric industries on increased use of ADR/ECR. Upon holding individual meetings with core energy sector leadership on where ECR could fit into their dispute processes, the Commission’s DRS captured information that would have value in advancing even more widespread use of ECR. Further, the initiative raised immediate interest among some stakeholder sectors. Among them was the Association of Oil Pipelines. As a result, at the *Annual Business Conference of the Association of Oil Pipe Lines*, the DRS presented on ADR and addressed processes and pathways for resolving a broad spectrum of oil disputes. The DRS Director addressed the Commission’s Rule 604 on Alternative Means of Dispute Resolution inclusive of settlement negotiations, conciliation, facilitation, mediation, early-neutral evaluation, and mini-trial.

### Cultural Resources:

The success of the Commission’s outreach to broaden the use of ADR/ECR was apparent at the *American Cultural Resources Association* conference. The Commission’s DRS partnered with the U.S. Institute for Environmental Conflict Resolution to present a workshop on conflict resolution and intercultural communications to an audience of cultural resource professionals and others implementing Section 106 of the National Historic Preservation Act. This highly participatory and interactive workshop helped participants develop an awareness of the many facets of conflict resolution: protocol, communication skills, collaboration, and interest-based negotiation. This training exposed participants to a broad range of useful concepts and skills to effectively work with others in complex, multi-party stakeholder processes.

### Native American Skills Exchange:

Additionally, at the biennial *Native Skills Exchange* session last summer the Commission’s DRS partnered with the U.S. Institute for Environmental Conflict Resolution’s Native American/Native Alaskan Heritage Program and Native Dispute Resolution Network to facilitate a workshop on Federal-Tribal consultation at the biannual Native Skills Exchange workshop. Twenty-five participants divided equally

among Native and Non-Native Environmental Conflict Resolution (ECR) practitioners, engaged in facilitated dialogue on working in a new Indian Policy Era as ECR practitioners.

Electric Energy Sector:

For the 8<sup>th</sup> time, at the *53rd Annual Regulatory Studies Program* this past August, DRS staff gave two workshops at the Institute of Public Utilities Annual Regulatory Studies Program (Program) sponsored by Michigan State University's Institute of Public Utilities (IPU-MSU). The workshops, which encompassed an overview of ADR and detailed information about mediation, were attended by regulators from many different countries.

## 8. ECR Case Example

- a. Using the template below, provide a description of an ECR case (preferably completed in FY 2011). Please limit the length to no more than 2 pages.

Name/Identification of Problem/Conflict
Overview of problem/conflict and timeline, including reference to the nature and timing of the third-party assistance, and how the ECR effort was funded
<p>In early FY 2011, the Dispute Resolution Service (DRS) successfully mediated a long-standing dispute between a landowner and a pipeline company. The landowner's farm is located on a rare type of dirt unique to the region. Despite numerous cost-intensive attempts to restore the property, the company was unsuccessful, due primarily to draining challenges presented by the dirt. The result was significant crop damage, and concerns from the State Department of Agriculture, which was interested in proper restoration of this natural resource.</p> <p>The landowner and the pipeline agreed to DRS assistance to resolve their dispute. DRS Staff traveled to the property and guided the parties in a mediation through which the landowner and the pipeline company were able to formulate an alternative approach to property restoration that met the interests of all parties. On the issue of crop loss damage, the mediator utilized legitimate criteria as a starting point for crop loss calculation, based on United States Department of Agriculture (USDA) and the State Department of Agriculture's assessment of average yield for the particular crop and average crop cost for the year in question. The parties used this as a starting point for their calculation and, ultimately, agreed on crop loss damages. The mediation resulted in successful resolution of all issues and the restoration of the property.</p>
Summary of how the problem or conflict was addressed using ECR, including details of any innovative approaches to ECR, and how the principles for engagement in ECR were used (See Appendix A of the Policy Memo, attached)
<p>The tenets of ECR served as the foundation for this process. All parties were educated in the mediation process and committed to engage in the process, thus ensuring <i>balanced, voluntary representation</i>. Parties were able to access relevant information, and to agree on a legitimate approach for applying this information, thus promoting an <i>informed process</i>. Parties were <i>accountable</i> to the process and the outcome, ensuring the <i>implementation</i> of the agreement in a <i>timely</i> manner. In fact, within three months of receiving the initial call regarding the landowner-pipeline dispute, the DRS reported a successful resolution of the matter.</p> <p>The foundational tenets of ECR at play in this case contributed to the effectiveness of the process. And within that process, the adept application of interest-based dispute resolution tools, such as the use of legitimate criteria, ensured success of the process.</p>
Identify the key beneficial outcomes of this case, including references to likely alternative decision making forums and how the outcomes differed as a result of ECR

The most tangible outcome of this case was the informed handling of the dirt, a unique resource. But the resolution of this matter was just the beginning. Since this matter was resolved, neighbors of the original landowner have contacted the DRS with questions and concerns about the most appropriate process to resolve their disputes. As importantly, since this matter was resolved, the pipeline company has been proactive in requesting DRS-guided mediation as an alternative to litigation. This is beneficial in strengthening the partnership of all in this region to serve as responsible stewards of such a unique resource. It is also beneficial to promoting early, upstream resolution of conflict.

### Reflections on the lessons learned from the use of ECR

Whether a large, multi-party dispute or a two-party dispute, the application of ECR tools opens lines of communication and encourages collaboration amongst parties to more effectively manage natural resources in an informed and responsible manner.

- b. Section I of the ECR Policy identifies key governance challenges faced by departments/agencies while working to accomplish national environmental protection and management goals. Consider your departments'/agency's ECR case, and indicate if it represents an example of where ECR was or is being used to avoid or minimize the occurrence of the following:

	Check <u>all</u> that apply	Check <i>if</i>	
		Not Applicable	Don't Know
Protracted and costly environmental litigation;	✓	<input type="checkbox"/>	<input type="checkbox"/>
Unnecessarily lengthy project and resource planning processes;	✓	<input type="checkbox"/>	<input type="checkbox"/>
Costly delays in implementing needed environmental protection measures;	<input type="checkbox"/>	✓	<input type="checkbox"/>
Foregone public and private investments when decisions are not timely or are appealed;	<input type="checkbox"/>	<input type="checkbox"/>	✓
Lower quality outcomes and lost opportunities when environmental plans and decisions are not informed by all available information and perspectives; and	<input type="checkbox"/>	<input type="checkbox"/>	✓
Deep-seated antagonism and hostility repeatedly reinforced between stakeholders by unattended conflicts.	✓	<input type="checkbox"/>	<input type="checkbox"/>

9. 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.

***Please attach any additional information as warranted.***

Report due February 15, 2012.

Submit report electronically to: [ECRReports@omb.eop.gov](mailto:ECRReports@omb.eop.gov)

**Attached A. Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving**

**Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving**

<b>Informed Commitment</b>	Confirm willingness and availability of appropriate agency leadership and staff at all levels to commit to principles of engagement; ensure commitment to participate in good faith with open mindset to new perspectives
<b>Balanced, Voluntary Representation</b>	Ensure balanced inclusion of affected/concerned interests; all parties should be willing and able to participate and select their own representatives
<b>Group Autonomy</b>	Engage with all participants in developing and governing process; including choice of consensus-based decision rules; seek assistance as needed from impartial facilitator/mediator selected by and accountable to all parties
<b>Informed Process</b>	Seek agreement on how to share, test and apply relevant information (scientific, cultural, technical, etc.) among participants; ensure relevant information is accessible and understandable by all participants
<b>Accountability</b>	Participate in the process directly, fully, and in good faith; be accountable to all participants, as well as agency representatives and the public
<b>Openness</b>	Ensure all participants and public are fully informed in a timely manner of the purpose and objectives of process; communicate agency authorities, requirements and constraints; uphold confidentiality rules and agreements as required for particular proceedings
<b>Timeliness</b>	Ensure timely decisions and outcomes
<b>Implementation</b>	Ensure decisions are implementable consistent with federal law and policy; parties should commit to identify roles and responsibilities necessary to implement agreement; parties should agree in advance on the consequences of a party being unable to provide necessary resources or implement agreement; ensure parties will take steps to implement and obtain resources necessary to agreement

DRS Helpline/Landowner SurveyMonkey Survey  
(Appendix for question #5)

Thank you for taking the time to provide feedback on your recent experience with the Federal Energy Regulatory Commission’s Dispute Resolution Service (DRS) regarding your natural gas or electric matter.

1. Name (optional)

2. DRS Docket Number (optional)

<b>Please indicate the extent to which you agree with the following statements:</b>	Strongly Disagree	Disagree	Neither Agree Nor Disagree	Agree	Strongly Agree
3. I am satisfied with the services DRS provided.					
4. The concern was resolved more quickly because of DRS involvement.					
5. By involving DRS, I was able to reduce the cost of resolving the matter.					
6. I would recommend DRS to others in the future.					

7. To what extent was the matter resolved?  
 Fully                       Partially                       Not at all

8. If you had not participated in the DRS process, what were the options you had for addressing your concerns? (Check all that apply)

- Court
- FERC process through a formal complaint
- No alternatives
- Other (please specify)

9. Please indicate which of the following most closely describes you:

- Property Owner/Tenant
- Energy Company
- Contractor
- Other

10. The DRS values your feedback and suggestions. Please let us know how we can improve our services to enhance your experience in the future. Provide additional comments, as appropriate.