

## FY 2011 ECR Policy Report to OMB and CEQ

Name of Department/Agency responding:

U.S. Institute for Environmental Conflict Resolution

Name and Title/Position of person responding:

Mark Schaefer

Division/Office of person responding:

Director

Contact information (phone/email):

(520) 901-8513  
[Schaefer@ecr.gov](mailto:Schaefer@ecr.gov)

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.

The U.S. Institute for Environmental Conflict Resolution (the U.S. Institute) is a federal program established by the 1998 Environmental Policy and Conflict Resolution Act (P.L. 105-156) to help public and private parties resolve environmental conflicts involving the federal government. It is part of the Udall Foundation, an independent federal agency.

The U.S. Institute's services contribute to the workings of the federal government by providing case services to address known or anticipated conflicts, by building capacity within agencies to address known or anticipated conflicts and by providing leadership to move beyond business as usual to a more collaborative era of government. The U.S. Institute's range of services include: consultations, assessments, process design, convening, neutral selection, mediation, facilitation, training, case management, program design, and other related undertakings covered by the U.S. Institute's enabling legislation.

In FY 2011 and continuing in FY 2012, the U.S. Institute focused on building programmatic capacity in six strategic areas.

- Strengthening existing areas of expertise to meet the ever-increasing demand for services on issues related to public lands, water resources including marine and coastal, transportation, and military bases and operations.
- Developing the U.S. Institute's Native resources area of expertise to foster greater use of consensus building and collaborative problem-solving on matters involving Native communities, and to provide related training and coordination support for the Native Dispute Resolution Network.
- Establishing an Energy, Climate Change, and Infrastructure area of emphasis to further national efforts to shift to renewable energy sources, reduce carbon emissions, and stimulate economic development.
- Creating forums for intergovernmental collaboration to improve environmental and natural resources policy and program coordination, efficiency, integration, and communication within and across agencies at multiple levels of government.
- Expanding the U.S. Institute's services to include consultations and application assistance related to collaborative technologies (such as geographic information systems, geo-visualization, decision-support systems, and other tools) to aid in the collaborative synthesis and dissemination of information, and to create opportunities for effective stakeholder participation in collaborative problem-solving processes.
- Delivering collaboration and conflict resolution trainings ranging from basic to advanced, as well as customized workshops designed for stakeholders involved in specific conflicts. Training federal agency staff, tribal leaders, and members of the public, so that they have the skills necessary to work to prevent, manage, and resolve environmental conflicts.

The means and strategies used to increase the appropriate and effective use of ECR have included:

- Partnering and contracting with private-sector mediators who have substantial experience in environmental conflict resolution and have qualified for the National Roster for ECR Practitioners, a roster developed and maintained by the U.S. Institute. The Roster provides a central source where appropriate experienced neutral professionals in the fields of environmental mediation, facilitation, consensus building, process design, conflict assessment, system design, neutral evaluation/fact finding, Superfund allocation, and regulatory negotiation can be identified.
- Establishing interagency service agreements (IAGs) as mechanisms for agencies (e.g., Federal Highway Administration, U.S. Environmental Protection Agency, and Department of Interior's Office of Collaborative Action and Dispute Resolution) to have easy access to the full range of ECR services. The U.S. Institute has the ability to accept funds from multiple sources to facilitate the shared funding of individual cases and projects across several agencies and organizations. The U.S. Institute also works with agencies to provide services via project-by-project intergovernmental orders (IGOs) when appropriate.
- Underwriting critical upfront ECR work necessary to begin a conflict resolution or collaborative process in areas where environmental governance improvements are needed. This work includes early advice, consultation and convening services. For individual cases, particularly those involving complex multi-jurisdictional issues, considerable U.S. Institute staff time is spent consulting with parties, building trust, and brokering participation.
- Working with agencies to ask self-critical questions about intra-agency and interagency conflicts, and conflicts involving the public. The U.S. Institute's role helps agencies assess where environmental governance improvements and efficiencies can be made.
- Working across government to get out ahead of emerging areas of conflict. For example, the U.S. Institute assists OMB and CEQ with ongoing implementation of the 2005 Memorandum. Implementation of the ECR Memorandum has been instrumental in establishing a government-wide understanding of where environmental conflicts and challenges are occurring. From this effort, it is apparent that many of the emerging environmental challenges facing the nation are complex, landscape-scale, multi-jurisdictional issues. Effectively dealing with these challenges will require broadscale collaboration, including federal interagency coordination, and cooperation across federal, tribal, regional, state, and local level governments. The U.S. Institute is working to increase its capacity to help fill this role.

## 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  |
| Check <b>only</b> one  |                                     |                                     |                          |
| a) Lack of staff expertise to participate in ECR                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| b) Lack of staff availability to engage in ECR                     | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| c) Lack of party capacity to engage in ECR                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| d) Limited or no funds for facilitators and mediators              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| e) Lack of travel costs for your own or other federal agency staff | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| f) Lack of travel costs for non-federal parties                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| g) Reluctance of federal decision makers to support or participate | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| h) Reluctance of other federal agencies to participate             | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input 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 checked="" type="checkbox"/> | <input type="checkbox"/> |
| k) Lack of resources for staff capacity building                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| l) Lack of personnel incentives                                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| m) Lack of budget incentives                                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| n) Lack of access to qualified mediators and facilitators          | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| o) Perception of time and resource intensive nature of ECR         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| p) Uncertainty about whether to engage in ECR                      | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> |
| q) Uncertainty about the net benefits of ECR                       | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input 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.

The U.S. Institute provided case support services for **102 environmental conflicts and challenges** during FY 2011. Support services included case consultation, assessments, convening, mediator selection, process design, facilitation and mediation. Of the 102 conflicts, **66 cases had moved beyond the initial consultation phase, and this subset of cases is characterized below.**

|                                      | 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                   | 8  | 1  | 9                                    | 9  | 0                                   | 0                    | 0               | 0   | 9  |
| Planning                             | 17   | 15                                       | 32                                   | 22   | 2                                   | 1                    | 7               | 0   | 32   |
| Siting and construction              | 1  | 1  | 2                                    | 1  | 0                                   | 0                    | 1               | 0   | 2  |
| Rulemaking                           | 2  | 1  | 3                                    | 1  | 0                                   | 1                    | 1               | 0   | 3  |
| License and permit issuance          | 0  | 0  | 0                                    | 0  | 0                                   | 0                    | 0               | 0   | 0  |
| Compliance and enforcement action    | 0  | 0  | 0                                    | 0  | 0                                   | 0                    | 0               | 0   | 0  |
| Implementation/monitoring agreements | 1  | 1  | 2                                    | 1  | 0                                   | 0                    | 1               | 0   | 2  |
| Other (specify): _____               | 14   | 4  | 18                                   | 8  | 0                                   | 1                    | 9               | 0   | 18   |
| <b>TOTAL</b>                         | <b>43</b>                                      | <b>23</b>                                | <b>66</b>                            | <b>42</b>  | <b>2</b>                            | <b>3</b>             | <b>19</b>       | <b>0</b>  | <b>66</b>  |
|                                      | (the sum should equal Total FY 2011 ECR Cases) |  |                                      | (the sum of the Decision Making Forums should equal Total FY 2011 ECR Cases) |                                     |                      |                 | (the sum should equal Total FY 2011 ECR Cases)                          |  |

<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).

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 |
|--|-------------------------------------|---|
| <p>The U.S. Institute works with multiple federal agencies and provides assistance across a spectrum of substantive areas of planning, regulation and management.</p> <p>The U.S. Institute’s services are applied across the following areas of emphasis:</p> <ul style="list-style-type: none"> <li>▪ Interagency/intergovernmental conflicts and challenges;</li> <li>▪ Environmental conflicts and challenges involving multiple levels of government (federal, tribal, state, local) and the public;</li> <li>▪ Multi-party high-conflict cases where an independent federal convener is needed to broker participation in a collaborative conflict resolution effort;</li> <li>▪ Conflicts and challenges where area expertise is required (e.g., conflicts involving tribes and native people, the National Environmental Policy Act); and</li> <li>▪ Emerging areas of conflict and pilot applications of collaborative governance to improve the workings of government.</li> </ul> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/>       |
| <p>List of additional priority areas identified by your department/agency in FY 2011</p>   | <p>Check if using ECR</p>           |   |
| <p>_____</p>   | <input type="checkbox"/>            |   |

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.

### **Implementation of an ECR Evaluation System**

The U.S. Institute has developed and implemented a comprehensive ECR performance evaluation system, and has taken a lead role in helping a number of other agencies develop evaluation and feedback systems for ECR.

Since FY 2002, the U.S. Institute has been granted OMB approval to administer a suite of evaluation questionnaires to measure, report, and improve environmental collaboration and conflict resolution services. The activity areas covered by the evaluation instruments include:

1. Mediation Services
2. Facilitation Services
3. Assessment Services
4. Training and Workshop Services
5. Facilitated Meeting Services
6. Roster Program Services
7. Program Support and System Design Services

The U.S. Institute worked in partnership with several state and federal agencies to collaboratively develop the evaluation system. The sharing of evaluation resources and expertise is advantageous on several fronts: (a) design and development efforts are not duplicated across agencies; (b) common methods for evaluating collaborative processes are established; (c) knowledge, expertise, and resources are shared, realizing cost-efficiencies for the collaborating agencies; and (d) learning and improvement on a broader scale is facilitated through the sharing of comparable multi-agency findings.

The U.S. Institute has also partnered with several agencies to allow the benefits of the program evaluation system to be realized more broadly. In 2005 and 2008 respectively, the Environmental Protection Agency and the U.S. Department of the Interior were granted OMB approval to act as named administrators of the U.S. Institute's information collections for evaluation. Currently, the U.S. Institute is seeking OMB approval to add the U.S. Army Corps of Engineers' Conflict Resolution and Public Participation Center as a third named administrator.

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.

Not Applicable

## 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.

Technology is transforming the practice of environmental collaboration and conflict resolution, as new tools change the way people communicate with each other as well as the way people understand, analyze, and make decisions about environmental stewardship. The application of social networking tools to public participation, computer-based decision support tools, and new approaches to systems modeling, all present pioneering opportunities for changing the way ECR practitioners, government agencies, and advocacy groups of all kinds engage their constituents. Technology is also important as government and other entities strive to perform their mission-critical functions in the most cost-effective way.

In 2011, the U.S. Institute launched a new technology and ECR initiative. This initiative is being led by Karen Siderelis, the former Geospatial Information Officer (GIO) for the U.S. Department of the Interior. In conjunction with this initiative, the U.S. Institute is working to prioritize and begin delivery of a new suite of collaborative technology related services. The new services under consideration include:

- Consultations on the potential uses of emerging technologies in ECR processes.
- Assistance with the implementation and management of technology-enhanced ECR efforts.
- Hosting a Technology Fair in conjunction with the seventh national ECR Conference in Tucson, Arizona, in May 2012.
- Training for federal staff, practitioners, and others on the suite of technology tools that can be used to improve environmental collaboration and conflict resolution efforts.
- Developing and disseminating guiding principles for the appropriate and effective integration of technology into collaborative projects.
- Sponsorship of a National Technology and ECR Award to recognize and showcase cutting-edge applications of new technologies that enhance collaboration and conflict resolution processes.
- Building networks and opportunities for project managers, practitioners, technologists, and others to share their approaches, practices, and lessons learned to improve future technology-enhanced ECR efforts.

## 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.
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### **BLM-EPA Air Quality Mediation (National)**

Conflicting agency approaches to air quality, land management, and oil and gas development decisions had resulted in persistent interagency coordination delays and disputes over the analysis of impacts to air quality and air-quality-related values, such as visibility of oil and gas development on federal lands in accordance with the National Environmental Policy Act (NEPA).

In 2009, the Bureau of Land Management (BLM), the Environmental Protection Agency (EPA), the U.S. Fish and Wildlife Service, the National Park Service, and the USDA Forest Service decided to pursue a national collaborative process to resolve and prevent these conflicts and delays.

The U.S. Institute, in coordination with the EPA's Conflict Prevention and Resolution Center, convened and facilitated initial meetings between EPA and BLM to identify the issues to be addressed in a mediation process and to select a facilitator for the ongoing mediation effort. A mediation team from Kearns & West, a member of the U.S. Institute's National Roster of ECR Practitioners, was selected in February 2010 to facilitate the mediation and assist the agencies in the development of a memorandum of understanding (MOU).



As a result of the collaborative effort, the federal agencies developed and adopted an MOU that establishes a streamlined process for interagency coordination and analyses of potential air quality impacts of proposed oil and gas activities on federally managed public lands in accordance with NEPA.

In the words of participants, *"The agreement procedures will enable agencies to work well together without the conflicts of the past..."* The agreement *"will allow critical energy projects to proceed with less delay..."* It *"will improve air quality and public health."*

For more information on the MOU, visit

<http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&pageid=251155>.

To view the MOU, visit

<http://www.doi.gov/news/pressreleases/loader.cfm?csModule=security/getfile&pageid=251152>.

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## National Forest Planning Rule Revision: Working to End an Era of Litigation

The National Forest planning rules (including the 2000, 2005, and 2008 rules) were the subject of persistent legal challenges. In FY 2009, Agriculture Secretary Tom Vilsack called for the development of a new forest planning rule, and he made the use of collaborative approaches to planning and management a top priority. In response, the USDA Forest Service with assistance from the U.S. Institute designed and implemented a comprehensive collaborative strategy for developing a new forest planning rule. The final environmental impact statement was released January 26, 2012, and the final rule is anticipated in late February 2012.



In the words of Secretary Vilsack, the new rule is intended to move beyond the era of litigation. *“We want to spend less time in the courts and more time in the forests.”*<sup>1</sup> The Forest Service budget is burdened by the costs of conflict. These costs are manifested in increased staff time dealing with controversial issues, delayed and stalled actions, decreased management efficiency, losses in economic activity, and increases in remediation costs when issues are not dealt with in a timely manner. When issues advance to litigation the costs are transferred to DOJ. The Forest Service management is mindful that *“time-consuming appeals and litigation not only increase the cost of land management, but also limit opportunities for effectively and efficiently managing forest resources and uses.”*<sup>2</sup>

The development process for the new rule involved over 40 public meetings and roundtables across the country engaging more than 3,000 participants, including tribes, Forest Service staff, and the public. Additionally, the Forest Service used state-of-the-art new media to maximize public engagement, as well as reviewing thousands of comments on the notice of intent.

The new rule is intended to supersede the current 30-year-old plan that governs the formation of national forest management plans throughout the country. While undoubtedly the new rule will have its opponents, if it significantly reduces the piecemeal and recurring litigation cycle of past years, it will produce budget, management, and public service impacts on a national scale.

In the words of Forest Service Associate Chief Mary Wagner, *“We need to join together across jurisdictions—across all ownerships, public and private—to reach shared goals. We all have a stake in keeping working forests and ranches working. We all have a stake in restoring the structure and function of healthy, resilient forest ecosystems. We all have a stake in sustaining plentiful supplies of clean water, habitat for wildlife, opportunities for outdoor recreation, and all the other goods and services that Americans want and need from their forests.”*<sup>3</sup>

Forest Service Media Teleconference “Important Announcement Regarding USDA Forest Service Remarks by Tom Vilsack, Secretary of U.S. Department of Agriculture; Thomas Tidwell, Chief of Forest Service; and Harris Sherman, Under Secretary for Natural Resources and Environment,” USDA Radio Studios, Washington, D.C., Thursday, February 10, 2011.

USDA Forest Service, Research and Development – Environmental Sciences. <http://www.fs.fed.us/research/wfwar.shtml>.

Last updated January 3, 2008.

USDA Forest Service, Speech. “Partnerships and Collaboration: Our Hope for the Future” Forest Service Associate Chief Mary Wagner, Reception, Rural Voices for Conservation Coalition, Washington, DC, May 20, 2011.

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## Four Forest Restoration Initiative and the Cost-Effectiveness of ECR in Stemming the Economic and Environmental Devastation of Forest Fires

Since 2009, the U.S. Institute has facilitated the Four Forest Restoration Initiative (4FRI). The 4FRI collaboration has brought together the timber industry, environmentalists, scientists, recreation interests, local governments, and four national forests in Arizona to jointly restore the forest ecosystems, reduce the threat of destructive wildfires, and strengthen local economies.

The four national forests—Coconino, Kaibab, Tonto, and Apache-Sitgreaves—cover almost 2.4 million acres. They provide critical ecosystem services, including watershed protection, wildlife habitat, recreation, and economic development opportunities. These forests have become degraded and face threats of catastrophic fires, pest infestations, and climate change effects.



In February 2011, the group signed an historic memorandum of understanding (MOU) that defines how the stakeholders and the USDA Forest Service will work together to develop and implement restoration projects for the four national forests. Revenues from commercial uses will help offset the cost of restoration. In August 2011, the Forest Service released a proposed action for the first phase of 4FRI covering a 998,000-acre area, including 390,000 acres of mechanical thinning, 600,000 acres of prescribed burning, 1,000 miles of road decommissioning, 80 springs restored, 40 miles of ephemeral channels restored, and 80 miles of aspen fencing.

The MOU notes the benefits of collaboration, saying “... *innovative collaboration can provide the U.S. Forest Service with better information, a more comprehensive and science-based planning process, ... conflict prevention, improved fact-finding, increased social capital, more effective implementation, enhanced environmental stewardship, and reduced litigation.*”

The importance of this type of collaborative process was highlighted by the massive wildfires that burned 800,000 acres in Arizona by the July 4, 2011, weekend. The Wallow Fire—the largest wildfire ever to burn in Arizona—ripped through more than 538,000 acres, including areas that are part of the 4FRI. The 4FRI had not yet begun its restoration work by the 2011 fire season, but similar restoration efforts have been credited with averting environmental and economic disaster and saving communities, homes and businesses. For example, the White Mountain Stewardship Project thinned buffer areas around several Northern Arizona towns in the path of the Wallow fire, and its work is credited with saving those communities. One participant in the 4FRI told a newspaper, “We’re right where we need to be now, but we should have been there 10 years ago. The reality is, if we had done what we are proposing to do 10 years ago, that (Wallow) fire would have behaved very differently.”

U.S. Senator Jon Kyl testified before the Senate Natural Resources Committee in June 2011 in support of forest restoration efforts. “*Although costs are still relatively high, when compared to the costs of suppression and the indirect costs of catastrophic wildfire, it is a small price to pay,*” Kyl said. “*Prevention is always cheaper than fighting the disease.*”

Arizona Governor Jan Brewer said, “The [4FRI] stands out as a national-caliber model collaborative effort to accelerate forest restoration.... It will create much-needed jobs in rural Arizona and help bolster rural economic growth now and into the future.”

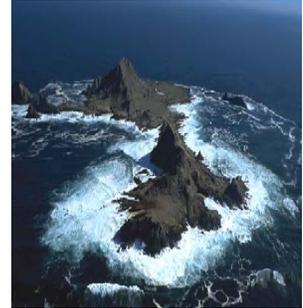
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## National Ocean Policy Implementation Support

Beginning in November 2010, the U.S. Institute has been working to support stakeholder and tribal engagement in the implementation of an Executive Order establishing a National Ocean Policy.

In July 2010, President Obama issued an Executive Order, *Stewardship of the Ocean, Our Coasts, and the Great Lakes*, establishing a National Ocean Council, a cabinet-level group of 27 federal agencies. The Order adopted the Final Recommendations of the Interagency Ocean Policy Task Force, and among nine priority objectives called for nationwide implementation of Coastal and Marine Spatial Planning (CMSP).



CMSP involves the assessment and integration of all of the various uses of coastal and marine waters, including commercial fishing and shipping, species habitat, offshore energy development, homeland security, and recreation, among others. Each region of the United States and its territories is charged with developing a plan for harmonizing and managing these uses in the next five years and there is general understanding that extensive stakeholder and governmental involvement will be required to create workable plans.

The U.S. Institute received a grant from the Gordon and Betty Moore Foundation to develop principles for stakeholder engagement in CMSP, provide mechanisms for engaging tribal entities in CMSP processes, and support the planning and facilitation for regional and national workshops on CMSP.

The U.S. Institute has assisted the 27 federal agencies involved with the National Ocean Council by receiving and combining multi-agency, government funding to support various stakeholder involvement efforts. In June 2011, the U.S. Institute supported a National Workshop on CMSP, which was held in Washington, D.C., and involved over 450 participants. The workshop engaged and informed a full range of governmental entities, including Indian tribes, on proposed regional ocean governance mechanisms and stakeholder involvement opportunities. Institute staff provided consultation and facilitation support for the workshop, along with Institute contractors from the Meridian Institute.

In 2012, the U.S. Institute will continue to assist with stakeholder and tribal engagement for emergent regional planning bodies and workshops in the regions that were established by the National Ocean Policy.

- 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:

| The four ECR cases described in 8a represent examples of where ECR has been used to avoid or minimize the occurrence of the following:                   | Check <u>all</u> that apply         | Check if                 |                          |
|--|-------------------------------------|--------------------------|--------------------------|
|  |                                     | Not Applicable           | Don't Know               |
| Protracted and costly environmental litigation;  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Unnecessarily lengthy project and resource planning processes;   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Costly delays in implementing needed environmental protection measures;  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Foregone public and private investments when decisions are not timely or are appealed;   | <input checked="" type="checkbox"/> | <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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Deep-seated antagonism and hostility repeatedly reinforced between stakeholders by unattended conflicts.   | <input checked="" type="checkbox"/> | <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.

The U.S. Institute did not encounter any difficulties in collecting these data.

***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 |