

FY 2012 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 seventh year of reporting in accordance with this memo for activities in FY 2012.

The report deadline is February 15, 2013.

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 2012 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 2012 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.

Name of Department/Agency responding:	Federal Energy Regulatory Commission
Name and Title/Position of person responding:	Jacqueline S. Holmes, Associate General Counsel
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Date this report is being submitted:	jacqueline.holmes@ferc.gov

Section 1: Capacity and Progress

1. Describe steps taken by your department/agency to build programmatic/institutional capacity for ECR in 2012, including progress made since 2011. 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.]

In FY 2012, the Commission took a variety of steps to build programmatic/institutional capacity for environmental conflict resolution (ECR). In addition to ensuring that the Commission's dynamic workforce is equipped with alternative dispute resolution (ADR) and ECR tools, the Commission's Dispute Resolution Service (DRS), with approval from the Chairman and buy-in from inter-office leadership, ventured into new areas to build capacity for ECR.

Web-Based Education Program to Prevent Conflict Associated with Energy Infrastructure

The DRS has initiated a full-scale, web-based education project that will use innovative, simulated life-like technology to address conflict prevention associated with the construction and operation of Commission jurisdictional, natural gas pipeline facility infrastructure. The web tool will be free and universally available through the internet. A series of online video modules on ADR/ECR tools will assist private property owners or landowners as well as pipeline company representatives and land agents gain skills to interact more collaboratively. Landowners and pipeline company representatives who watch the video modules will gain tips on how to build rapport through effective communication and interest-based negotiation skills in order to prevent or resolve the conflicts on their own. DRS specialists are currently writing the modules with input from relevant program offices and legal staff. We anticipate that a final product will be available in FY 2013, and reported to OMB-CEQ in the Commission's report on FY 2013 activities.

Increasing ECR Capacity through Program Administration and Education

The Commission's budget for DRS includes: casework comprising energy-related non-environmental and environmental cases; and educational activities, including training developed by DRS and provided to internal and external stakeholders. In addition, ECR processes are well integrated into Commission processes. The DRS sends periodic reports through a variety of media to address the Commission's ECR activities. Examples include, *FERC's ADR News*, (<http://www.ferc.gov/legal/adr/news/2012.pdf>), which is publicly available; semi-annual and annual internal reports on ECR/ADR activities; and annual performance reports. In addition, the Commission's well-established ADR/ECR training program serves the needs of internal and external audiences on energy conflict prevention and resolution.

This past year, DRS played a key role in formulating the agenda for a government-wide workshop on the status and potential for ADR in the federal government. DRS worked closely with the Administrative Conference of the United States, the Interagency ADR Steering Committee, and the Department of Justice. High level officials attended the event and the U.S. Attorney General gave the keynote address.

Below are further details on how the Commission continues to build institutional capacity for ECR for energy conflicts through its outreach and education programs, both internally and externally.

External Education

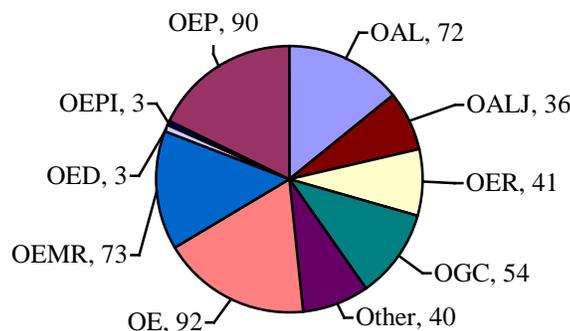
DRS built capacity for ECR with new audiences such as the natural gas pipeline industry, and by introducing new topics on mediation advocacy, mediating the litigated case, and cross-cultural partnering. These new offerings appealed to members of the Energy Bar Association, attorneys in the private and government sectors, and Native Americans. (See response to Question No. 7 for notable achievements.)

Internal Education

A total of 504 Commission participants, including 63 participants this year, have benefitted from the Commission’s DRS training sessions. The Commission has also benefitted by avoiding outside training and travel costs. With emphasis on conflict prevention and resolution tools, DRS delivered a variety of topics to Commission employees: *Intergenerational Differences and Conflict Resolution; Communication; Facilitating Group Meetings and Building Consensus; and Understanding and Relating to Different Temperament Styles.*

Outreach

FY 2009-2012 Commission Training
 Breakdown by Commission Office of 504 participants attending training courses offered by DRS



OAL (Office of Administrative Litigation)/ OALJ (Office of Administrative Law Judges)/ OER (Office of Electric Reliability)/ OGC (Office of the General Counsel)/ Other (attendees from other agencies)/ OE (Office of Enforcement)/ OEMR (Office of Energy Market Regulation)/ OED (Office of Executive Director)/ OEPI (Office of Energy Policy & Innovation)/ OEP (Office of Energy Projects)

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 only one		
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 checked="" type="checkbox"/>	<input type="checkbox"/>
h) Reluctance of other federal agencies to participate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Reluctance of other non-federal parties to participate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 2012 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 ¹	Completed Cases or projects ²	Total FY 2012 ECR Cases ³	Decision making forum that was addressing the issues when ECR was initiated:				Of the total FY 2012 ECR cases indicate how many your agency/department	
				Federal agency decision	Administrative proceedings/appeals	Judicial proceedings	Other (specify)	Sponsored ⁴	Participated in but did not sponsor ⁵
<i>Context for ECR Applications:</i>									
Policy development	_____	_____	_____	_____	_____	_____	_____	_____	_____
Planning	_____	_____	_____	_____	_____	_____	_____	_____	_____
Siting and construction	24 *includes 2 DRS cases	17 *includes 9 DRS cases	_____	41	_____	_____	_____	41	_____
Rulemaking	_____	_____	_____	_____	_____	_____	_____	_____	_____

¹ A “case in progress” is an ECR case in which neutral third party involvement began prior to or during FY 2012 and did not end during FY 2012.

² A “completed case” means that neutral third party involvement in a particular matter ended during FY 2012. 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.

³ “Cases in progress” and “completed cases” add up to “Total FY2012 ECR Cases”.

⁴ 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.

⁵ 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).

License and permit issuance	6 *includes 1 DRS case	4 *includes 3 DRS cases	_____	10	_____	_____	_____	_____	10	_____
Compliance and enforcement action	14 DRS cases	45 DRS cases	_____	59	_____	_____	_____	_____	59	_____
Implementation/monitoring agreements	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Other (specify): _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL	44	66	110	110	_____	_____	_____	_____	110	_____
	(the sum should equal Total FY 2012 ECR Cases)			(the sum of the Decision Making Forums should equal Total FY 2012 ECR Cases)					(the sum should equal Total FY 2012 ECR Cases)	

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 2012, 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 2011 can be found in the FY 2011 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 applications (including Liquefied Natural Gas authorization applications)	✓	✓
Hydropower licensing/relicensing applications	✓	<input type="checkbox"/>
Renewable energy interconnections	✓	<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 2012	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 ADR/ECR performance results are tracked consistently over a period of years in order review trends in the data. We did not add new measures or methods of tracking performance for FY 2012. The Commission's ADR/ECR performance results and outcomes are reported as separate line items in the Commission's annual public reports for a number of accounting offices. The link to the Commission's ADR activities in these strategic documents can be found at <http://www.ferc.gov/about/strat-docs.asp>.

In FY 2012 ADR/ECR performance and achievement measures are as follows:

- DRS successfully addressed/resolved 169 requests and referrals including ADR/ECR cases and responses to inquiries from the public and others on dispute resolution. Of that number, the DRS addressed 92 ADR cases. Of the 92 ADR cases, 74 were ECR cases (57 ECR cases closed and 17 ECR cases are ongoing). The remaining ADR 18 matters were non-environmental cases.
- In FY 2012, of the 65 mediated or facilitated ADR cases closed (27 more are ongoing), 94% achieved consensual agreement (61 Yes, 2 No, 1 No Interest, 1 Referred).
- Customers for all casework and outreach services expressed favorable satisfaction with the DRS. In FY 2012, based on the 16 returned survey responses of ADR processes concluded, there was a 100% customer satisfaction rate for cases. There was a 90% customer satisfaction rate for outreach.
- In FY 2012, based on the 16 returned survey responses on ADR processes concluded, 88% reported savings in money and 78% reported savings in time.
- In FY 2012, the DRS conducted 24 outreach events to promote the use of

dispute resolution skills.

Frequency of ECR Use for ADR Cases

FY	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
FERC	21	16	19	53	78	74

6. Describe other significant efforts your agency has taken in FY 2012 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.

On December 11, 2011, one DRS staff member and two designated, non-decisional Commission staff members, were assigned to assist the licensee and stakeholders in resolving numerous issues associated with the development of a Settlement Agreement for an update to the Smith Mountain Hydroelectric Project No. 2210 Shoreline Management Plan. Meetings continued throughout 2012.

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.

The Commission's notable achievements this year are built on a solid foundation and institutional belief that ADR and ECR techniques for resolving conflict do work. Its most far reaching accomplishment to date has been the success of the DRS Helpline program for pipeline infrastructure conflicts. As reported in earlier ECR reports, the demand for ADR/ECR tools, such as mediation and conciliation, provided by the Commission's DRS, and the value to landowners and pipeline personnel, is critically important. As a result, with cross-office support, the DRS has strengthened its design approach to ADR/ECR and conflict resolution. In FY 2012, the DRS partnered with the Office of Energy Projects in developing a web-based education product. The online tool will assist external groups of stakeholders in building rapport to communicate and negotiate effectively to prevent both landowner disputes and the need for third party intervention in addressing this set of energy infrastructure conflicts. More details on the web project are addressed in Response No. 1 of this report.

Notable Achievements and Advances

Skills to Resolve Conflict FERC, March 2012:

The DRS created a new course for natural gas industry professionals and other energy stakeholders entitled, "*Skills to Resolve Conflict.*" The course is conducted in coordination with the Commission's Office of Energy Project's three day workshop, "*FERC's Environmental Review and Compliance for Natural Gas Facilities Seminar*" at different locations across the country. The training sessions bring together energy and environmental professionals to discuss the certificate, siting, and installation of natural gas pipelines. In an attempt to reduce conflict, the DRS has added its course the day before Office of Energy Project's seminar to introduce these industry and environmental professionals to the advantages of ADR/ECR and to give them practical skills to help address and prevent conflict. By adding this training to the dispute resolution program for Helpline matters, proactive conflict resolution skills will continue to be disseminated to stakeholders associated with industries the Commission regulates.

New ADR/ECR topics addressed by DRS

1. *Mediation Advocacy and Negotiation Skills, Energy Bar Association, March 2012*
2. *Mediating the Litigated Case (with a focus on the Commission's ECR processes), American Bar Association, Dispute Resolution Section, April 2012*
3. *Cross-Cultural Partnering: The Next Frontier in Socially Responsible Practice, U.S. Institute for Environmental Conflict Resolution, ECR 2012*

Conference, May 2012

4. *Generational Differences and Conflict Resolution Tools (This new topic on dispute resolution tools across generations captured broad interest across the agency with seven different offices represented including senior executives and new entrants into the federal government.)*

Repeat External Training Reported to OMB/CEQ in Earlier Annual Reports on ECR Activities

- *ADR and Resolving Energy Conflicts, Michigan State University – Institute of Public Utilities, August 2012*

Office of Energy Projects, Division of Hydroelectric Licensing

DHL had separated staff on a total of 5 hydroelectric licensing cases during FY 2012. These cases were the Hells Canyon Project No. 1971, Carmen-Smith Project No. 2242, Wells Project No. 2149, Boundary/Sullivan Creek Project Nos. 2144 and 2224, and Escondido Project No. 176. Staff completed the Escondido Project in 2012 and separated staff assisted in the preparation of a conduit exemption application for on the license facilities and a license surrender application for the remaining facilities. The Commission conditionally approved the applications on September 25, 2012.

8. ECR Case Example

- a. Using the template below, provide a description of an ECR case (preferably completed in FY 2012). 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

This case arose from energy contracts entered into in 2000-2001 during energy crises in the western United States. The case was originally heard by the Federal Energy Regulatory Commission (FERC), appealed to the Ninth Circuit Court of Appeals, and eventually was heard by the United States Supreme Court. In December of 2008 this case, along with several companion cases, was remanded to the FERC. In 2011 FERC's Dispute Resolution Service (DRS) engaged the parties in an ADR process.

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)

The DRS worked with the parties to create an open process to finally resolve this long standing dispute. By engaging the parties in an ADR/ECR process the participants were able to explore different options to seek a timely resolution. After discussing interests and options one of the parties to this dispute came up with a novel solution. After exploring the ability to implement a novel solution and get buy-in from all affected stakeholders, a settlement was reached. The settlement releases all claims associated with over a decade of litigation.

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 settlement that resulted from this process was \$20 million in cash and \$100 million to be invested in electric car charging stations in the State of California. Included in the agreement was: i) two-hundred fast charging stations that will be available to the public; ii) the installation of infrastructure to support ten-thousand privately owned chargers at a total of one thousand multi-family, workplace, and public interest sites like universities; iii) the development, funding and implementation of electric vehicle related technology programs and electric vehicle car sharing programs. The parties filed a formal settlement with the Commission in FY 2012 and it was approved in its entirety in early FY 2013.

Reflections on the lessons learned from the use of ECR

Once again, the use of ADR/ECR demonstrates how the most complicated disputes can be resolved through means other than litigation. This case created a win-win outcome for both parties, and eliminated the need for further litigation. When more cases use ADR/ECR processes, the opportunities for creative outcomes and quicker resolutions of disputes are possible. Using ADR/ECR allows litigants to bring not only their legal positions but also their business interests into resolving disputes. The \$100 million for Electric car charging stations and research will allow Californians to grow their electric vehicle fleets and create infrastructure for a cleaner, more grid-friendly transportation solution.

- 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 if	
		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, 2013.

Submit report electronically to: 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

Informed Commitment	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
Balanced, Voluntary Representation	Ensure balanced inclusion of affected/concerned interests; all parties should be willing and able to participate and select their own representatives
Group Autonomy	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
Informed Process	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
Accountability	Participate in the process directly, fully, and in good faith; be accountable to all participants, as well as agency representatives and the public
Openness	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
Timeliness	Ensure timely decisions and outcomes
Implementation	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