

## FY 2012 Environmental Conflict Resolution (ECR) Policy Report

Submitted to the Office of Management and Budget (OMB) and the President's Council on Environmental Quality (CEQ) pursuant to the OMB/CEQ ECR Memorandum of November 28, 2005

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Date this report is being submitted:	February 15, 2013

## 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](http://www.ecr.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.

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 works with multiple federal agencies to build case-level and programmatic capacity for environmental conflict resolution (ECR). The U.S. Institute's range of services include: consultations, assessments, process design, convening, neutral selection, mediation, facilitation, training, case management, and other related undertakings covered by the U.S. Institute's enabling legislation.

During FY 2012, Institute staff provided case support services on more than 100 environmental conflicts and challenges. Examples of cases worked on during FY 2012 included:

- Assisting early adopter forests at the forefront of implementing the new U.S. Forest Service Planning Rule. The new rule is designed to address challenges that have led to decades of persistent and pervasive litigation;
- Working with 27 federal agencies and supporting stakeholder and tribal engagement as part of the National Ocean Council's implementation of Coastal and Marine Spatial Planning, under Executive Order 13547, Stewardship of the Ocean, Our Coasts, and the Great Lakes. This effort supported by funds from the Moore Foundation is an example of public and private-sector efforts and resources jointly directed toward a common goal.
- Providing impartial facilitation support to the 70-member Missouri River Recovery Implementation Committee, which provides consensus-based recommendations and guidance to the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service, the two agencies tasked with implementing the existing Missouri River recovery and mitigation plan. The MRRIC was authorized by Section 5018 of the 2007 Water Resources Development Act.
- Providing collaboration and conflict resolution services in connection with the Department of the Interior's efforts to coordinate 21 Landscape Conservation Cooperatives (LCCs) across the United States. The LCCs will develop "landscape-scale" or ecosystem level strategies for understanding and responding to climate change impacts, providing tools for managers to identify and target biological objectives for native species and habitats across jurisdictions in the face of climate change and other stressors.

- Facilitating the contentious California Department of Toxic Substances Control (DTSC) Santa Susana Field Laboratory Cleanup effort. The responsible parties for the site include Boeing, U.S. Department of Energy, and NASA. Stakeholder issues include environmental contamination, impacts to cultural and biological resources, water resources, air pollution, and impacts of the clean-up on neighboring communities.

As part of its FY 2012 case services, the U.S. Institute also continued to manage a national roster of more than 300 professionals with expertise in environmental conflict resolution (ECR). The national roster empowers all stakeholders to identify qualified mediators and facilitators to assist with the spectrum of environmental conflicts or challenges. Beginning in FY 2012, the U.S. Institute has worked to revamp the existing online searchable database. A new, more user-friendly and efficient search engine is scheduled for launch in late March 2013.

In addition to case services, the U.S. Institute delivered 20 collaboration and conflict resolution trainings during FY 2012. The U.S. Institute's trainings range from basic to advanced, as well as customized workshops designed for stakeholders involved in specific conflicts. The goal of the U.S. Institute's trainings are to empower 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.

In terms of ECR leadership, the U.S. Institute's FY 2012 initiatives included:

- Assisting with implementation of the March 2012 Executive Order – Improving Performance of Federal Permitting and Review of Infrastructure Projects.
- Assisting OMB and CEQ with implementation of the 2005 Memorandum on Environmental Conflict Resolution, and the more recent 2012 Memorandum on Environmental Collaboration and Conflict Resolution.
- Continuing efforts to enhance the effectiveness and efficiency of ECR processes through the use of collaboration technologies.
- Launching the Udall Training Certificate in Environmental Collaboration, a personalized course of study that enhances collaborative, interest-based problem-solving skills for individuals in government and the private sector.
- Continuing to coordinate the Native Dispute Resolution Network, and to assist the dispute resolution field in developing resources and expertise for addressing issues impacting Indian country.
- Hosting the seventh National ECR Conference in May 2012. The ECR2012 conference offered participants an opportunity to learn how environmental collaboration and conflict resolution can be used to move beyond conflict to constructive dialogue, active participation, and collaboration.

## 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.

*Note: The U.S. Institute's mission is to assist federal agencies and other parties in resolving their conflict and challenges. The rankings below represent the U.S. Institute's assessment of barriers observed through its work with other agencies.*

	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 checked="" type="checkbox"/>	<input 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 2012 by completing the table below.

The U.S. Institute provided case support services for more than **100 environmental conflicts and challenges** during FY 2012. Support services included case consultation, assessments, convening, mediator selection, process design, facilitation and mediation. Of the 101 conflicts, **57 cases received third-party assistance beyond the initial consultation, 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 2012 ECR Cases <sup>3</sup>	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 <sup>4</sup>	Participated in but did not sponsor <sup>5</sup>
<i>Context for ECR Applications:</i>									
Policy development	<u>  2  </u>	<u>  1  </u>	<u>  3  </u>	<u>  3  </u>	<u>  0  </u>	<u>  0  </u>	<u>  0  </u>	<u>  N/A  </u>	<u>  N/A  </u>
Planning	<u> 11 </u>	<u> 15 </u>	<u> 26 </u>	<u> 24 </u>	<u>  0 </u>	<u>  0 </u>	<u>  2 </u>	<u>  N/A  </u>	<u>  N/A  </u>
Siting and construction	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  N/A  </u>	<u>  N/A  </u>
Rulemaking	<u>  1 </u>	<u>  2 </u>	<u>  3 </u>	<u>  2 </u>	<u>  0 </u>	<u>  0 </u>	<u>  1 </u>	<u>  N/A  </u>	<u>  N/A  </u>
License and permit issuance	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  N/A  </u>	<u>  N/A  </u>
Compliance and enforcement action	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  0 </u>	<u>  N/A  </u>	<u>  N/A  </u>
Implementation/monitoring agreements	<u>  1 </u>	<u>  2 </u>	<u>  3 </u>	<u>  2 </u>	<u>  0 </u>	<u>  0 </u>	<u>  1 </u>	<u>  N/A  </u>	<u>  N/A  </u>
Other (specify): _____	<u> 14 </u>	<u>  8 </u>	<u> 22 </u>	<u>  9 </u>	<u>  0 </u>	<u>  0 </u>	<u> 13 </u>	<u>  N/A  </u>	<u>  N/A  </u>
<b>TOTAL</b>	<b><u>  29 </u></b>	<b><u>  28 </u></b>	<b><u>  57 </u></b>	<b><u>  40 </u></b>	<b><u>  0 </u></b>	<b><u>  0 </u></b>	<b><u>  17 </u></b>	<b><u>  N/A  </u></b>	<b><u>  N/A  </u></b>
	(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)	

<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> "Cases in progress" and "completed cases" add up to "Total FY2012 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 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
<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>– Pilot applications of collaborative governance to improve the workings of government.</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
List of additional priority areas identified by your department/agency in FY 2012	Check if using ECR	
<hr style="width: 50%; margin-left: 0;"/>	<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 you are 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.*

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 has 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. In 2012, OMB approved the addition of 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 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.

Not Applicable

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

During FY 2012, the U.S. Institute launched the **Udall Certification in Environmental Collaboration**. The certificate program is a personalized course of study intended to enhance collaborative, interest-based problem-solving skills. This certification is intended for individuals in both the government and the private sector.

To qualify for this certificate, within a five-year period candidates must complete:

- three core courses; and
- two elective courses

Courses taught by federal departments/agencies or members of the U.S. Institute's Roster that are determined to be comparable or complementary may be substituted to fulfill some course requirements.

### CORE COURSES

#### *101: Introduction to Managing Environmental Conflict*

This course introduces the field of environmental conflict resolution (ECR), assessment of environmental disputes, and essentials of conflict management, including what ECR is, how and when to use it, central concepts of collaborative, interest-based problem solving, and essential communication skills.

#### *110: Negotiating Environmental Solutions*

This course examines how to improve the negotiation of environmental issues by focusing parties on their underlying interests and jointly developing solutions, an approach known as Interest-Based Negotiation (IBN). These concepts underlie all Institute trainings. This training develops a thorough grounding in the principles and application of IBN in the context of environmental conflicts. Participants practice communication essentials, listening skills, and IBN in realistic scenarios based on actual environmental conflicts.

#### *301: Facilitation Fundamentals*

Participants will prepare for facilitating in connection with environmental collaborations and conflict management, including the challenges of serving as an "in-house" facilitator for an organization involved in the dispute. Participants will practice planning and convening dispute resolution and collaborative processes, and managing the complexities of group dynamics and meeting interactions. This course requires prior experience or training with environmental conflict situations and organizational skills.

#### *401: Collaboration Skills for Environmental Professionals*

This course focuses on individuals who work directly in collaborative processes. Key areas for discussion will include improving the interaction with other stakeholder representatives, more effectively representing your organization, and how to encourage a more collaborative approach from one's organization and leadership. This course helps environmental and natural resource managers develop advanced skills in communication, collaboration, negotiation, and conflict management.

### ELECTIVE COURSES

#### *201: Effective Tribal Consultation*

This course lays the groundwork for key concepts of government-to-government consultation including creating and sustaining valuable relations to foster trust between sovereigns. Participants build awareness of different ways to manage information, communication, decision-making, roles, and

responsibilities. They will also deepen their appreciation for and understanding of tribal preferences, the value of cultural and sacred sites, and of how historic events and federal Indian policies have shaped government-to-government relationships.

#### *210: Collaboration in NEPA*

Participants in this course learn how to integrate more effective collaboration in the environmental planning process under the National Environmental Policy Act (NEPA), focusing on planning and design to extend guidance from the President's Council on Environmental Quality's Handbook on Collaboration and NEPA.

#### *310: Collaborative Technology*

Participants in this course will learn how to integrate appropriate technology options into collaborative environmental processes. The focus of this course is on concepts, tools, and applications – specifically: methods for selecting tools for different kinds of projects, as well as techniques for successfully planning for, using and applying these tools. In this highly interactive workshop, participants experience skill building using specific cell phone and web-based tools and a realistic case-base scenario that matches the timeline continuum of engagement opportunities in collaborative environmental processes.

#### *410: Advanced Multi-Party Negotiation of Environmental Disputes*

This course builds awareness and skill in dealing with complex, multi-party negotiations that require systematic and rigorous planning, and increases the potential for consensus decision making and sustainable results. Participants in this course apply principles of Interest-Based Negotiation, self-awareness, and group dynamics to complex multi-party negotiations to resolve environmental disputes and maximize sustainable solutions. Participants will also assess their current capacity in communication, relationship building, and conflict style. A scenario-based practice opportunity will be used to analyze a complex environmental dispute and formulate a plan of action for dealing with both immediate and longer term needs.

#### *501: Collaboration Skills for Environmental Leaders*

To work more effectively and efficiently, environmental leaders need to lead at all levels in the process, including multi-stakeholder working groups, collaborative activity within their own organizations, and as part of multi-stakeholder leadership councils. This course prepares those with policy making, supervisory, or management responsibilities over staff who participate in collaborative processes. Key areas for discussion will include institutionalizing collaborative approaches to issue resolution, promoting development of staff collaboration skills, and leading a team in ways that support and improve staff contributions to the collaborative process. This course uses a complex wetlands scenario as a basis for learning. Participants build skills through a series of scenario-based exercises, including complex, environmental conflict-based settings. This course also introduces some of the online tools currently available to aid collaborative efforts addressing environmental issues.

#### *700: Independent Study*

Candidates for the Udall Certificate in Environmental Collaboration demonstrate understanding of collaboration processes by (1) preparing a structured report of a substantial environmental project the candidate has either facilitated or participated in including lessons learned; or (2) completing an internship with a suitable work product sharing insights of an environmental collaboration or conflict management process. The independent study subject and work product format and components must be approved in advance by U.S. Institute training staff. Institute staff will conduct a debriefing of the project with the certificate candidate.

## 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.

### **USDA Sacred Sites Policy Consultation Spring 2010 – Spring 2013**

**The U.S. Institute assisted the USDA and USDA Forest Service in developing a collaboration and communication strategy and facilitated regional listening sessions with Native American and Alaska Native communities and tribal leaders. This effort involved reviewing existing policies and examining the effectiveness of current laws and regulations to ensure a consistent level of protection for Native American Sacred Sites located on National Forest lands.**

#### **Background**

Executive Order 13007 directs the Forest Service and other federal land management agencies to accommodate access to and use of Indian sacred sites; avoid affecting the physical integrity of such sites wherever possible; and maintain the confidentiality of sacred sites as appropriate. In 2010, Agriculture Secretary Tom Vilsack directed the Forest Service and the USDA's Office of Tribal Relations to review existing policies and examine the effectiveness of current laws and regulations to ensure a consistent level of protection for Native American Sacred Sites located on National Forest lands. The request resulted from concerns expressed by tribal leaders about the Forest Service's decision to use treated wastewater for snowmaking at the Arizona Snowbowl ski area, located on the San Francisco Peaks in northern Arizona. The area is considered sacred by at least 13 tribes and many Native Americans.



Secretary Vilsack asked the Forest Service to consult with tribal leaders to determine how the agency can do a better job addressing sacred sites while continuing to pursue its mission to deliver forest goods and services for current and future generations. In response to Secretary Vilsack's request, the USDA Office of Tribal Relations and the Forest Service formed a team, led by senior executives, to talk to Tribes and other Native American and Alaska Native communities about how the Forest Service can better incorporate the accommodation and protection of sacred sites into the agency's multiple-use mission.

#### **The Role of the U.S. Institute**

The U.S. Institute assisted the team in developing a collaboration and communication strategy and facilitated regional listening sessions with Native American and Alaska Native communities and tribal leaders where needed. Meetings were held in two series, the first to gather the thoughts and recommendations of Tribes and other Native American and Alaska Native communities on what the report should address. The second series was to gather responses to the draft report. More than 50 meetings were held during the first series, telephonically and face-to-face, across the nation, including Alaska, between the spring of 2010 and the spring of 2011. In the second series, between the spring of 2011 and the winter of 2011, local Forest Service officials and team members held 49 meetings reaching 125 Tribes and Alaska Native communities and received additional correspondence from 22 Tribes and inter-Tribal organizations. The team compiled what they heard into a final draft report to Secretary

Vilsack with their recommendations about how the USDA and Forest Service can work cooperatively with Native Americans to more responsively and respectfully protect sacred sites on National Forest System lands.

In early 2013, Triangle Associates, the national facilitation coordinator working under contract with the U.S. Institute, will develop a summary evaluation report with lessons learned and findings and recommendations for future efforts of this type.

### **Results and Accomplishments**

On December 6, 2012, Agriculture Secretary Tom Vilsack released a report calling for USDA and the U.S. Forest Service to work more closely with tribal governments in the protection, respectful interpretation and appropriate access to Indian sacred sites. The report recommends steps the Forest Service should take to strengthen the partnerships between the agency, tribal governments, and Native American and Alaska Native communities to help preserve America's rich native traditions.

Following the release of the report, cabinet secretaries from the U.S. Departments of Agriculture, Defense, Energy and the Interior, as well as the chairman of the Advisory Council on Historic Preservation (ACHP), signed a Memorandum of Understanding (MOU) to improve the protection of Indian sacred sites. The MOU will be in effect for five years and requires participating agencies to determine and develop interagency measures to protect sacred sites, including:

- Guidance for management and treatment of sacred sites;
- Public outreach plans to maintain, protect and preserve sacred sites;
- Development of a framework for consultation with tribes;
- Creation of a training program for federal employees concerning legal protections and limitations related to protection of sacred sites; and
- Establishment of management practices that could include collaborative stewardship of sacred sites.

In the words of Milford Wayne Donaldson, ACHP chairman, "*Through collaboration and consultation, the signatory agencies will work to raise awareness about Indian sacred sites and the importance of maintaining their integrity.*"

The final Sacred Sites report and the MOU can be accessed by visiting:

<http://www.fs.fed.us/spf/tribalrelations/sacredsites.shtml>

- 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	
		N/A	Don't Know
Protracted and costly environmental litigation;	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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, 2013.

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