

FY 2013 DOI ECCR Report

Environmental Collaboration and Conflict Resolution (ECCR)¹

Policy Report to OMB-CEQ

ECCR is defined in Section 2 of the 2012 memorandum as:

“ . . . third-party assisted collaborative problem solving and conflict resolution in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and water and land management.

The term Environmental Collaboration and Conflict Resolution encompasses a range of assisted collaboration, negotiation, and facilitated dialogue processes and applications. These processes directly engage affected interests and Federal department and agency decision makers in collaborative problem solving and conflict resolution.

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 policy and regulatory disputes to administrative adjudicatory disputes, civil judicial disputes, intra- and interagency disputes, and disputes with non-Federal persons and entities.

Environmental Collaboration and Conflict Resolution can be applied during policy development or planning in the context of a rulemaking, administrative decision making, enforcement, or litigation with appropriate attention to the particular requirements of those processes. These contexts typically involve situations where a Federal department or agency has ultimate responsibility for decision making and there may be disagreement or conflict among Federal, Tribal, State and local governments and agencies, public interest organizations, citizens groups, and business and industry groups.

Although Environmental Collaboration and Conflict Resolution refers specifically to collaborative and conflict resolution processes aided by third-party neutrals, there is a broad array of partnerships, cooperative arrangements, and unassisted negotiations that Federal agencies may pursue with non-Federal entities to plan, manage, and implement department and agency programs and activities. The Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving are presented in Attachment B. The Basic Principles provide guidance that applies to both Environmental Collaboration and Conflict Resolution and unassisted collaborative problem solving and conflict resolution. This policy recognizes the importance and value of the appropriate use of all forms collaborative problem solving and conflict resolution.”

¹ The term ‘ECCR’ includes third-party neutral assistance in environmental collaboration and environmental conflict resolution

FY 13 ECCR Report Template

Name of Department/Agency responding:
Department of the Interior

Name and Title/Position of person responding: Elena Gonzalez, Director, Office of Collaborative Action and Dispute Resolution

Division/Office of person responding: Assistant Secretary, Technology, Information, and Business Systems (TIBs)

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Date this report is being submitted: March 3, 2014

Name of ECR Forum Representative: Elena Gonzalez

1. **ECCR Capacity Building Progress:** Describe steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2013, including progress made since FY 2012. Include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases. To the extent your organization wishes to report on any efforts to provide institutional support for non-assisted collaboration efforts include it here. If no steps were taken, please indicate why not.

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

The Department of the Interior (DOI) continues to build institutional and programmatic capacity to encourage the broadest possible appropriate and effective use of ECR and collaborative problem-solving processes to address environmental conflict. The infrastructure established in DOI to carry out the directives in the OBM/CEQ Memorandum on ECR include the Office of Collaborative Action and Dispute Resolution (CADR) in the Office of the Secretary, the Senior Counsel for CADR in the Office of the Solicitor, and the Interior Dispute Resolution Council (IDRC) comprised of Bureau Dispute Resolution Specialists (BDRS).

The CADR office and Senior Counsel for CADR coordinate with partners both within and outside DOI to advance a wide variety of capacity-building strategies. The IDRC is comprised of designated BDRS's from each bureau. It is the leadership team for ensuring a coordinated effort to integrate effective conflict management practices and collaborative problem solving as routine business practices throughout DOI. CADR, SOL and the IDRC are guided by a shared mission and a jointly developed 5 year strategic plan that includes capacity building as one of its primary goals.

These organizational structures were strengthened and additional resources were gathered to support this work during FY 2013. CADR, Senior Counsel for CADR and the IDRC focused on working together and engaging partners throughout DOI's bureaus and offices to build organizational capacity so that DOI's employees are able to:

1. recognize and manage conflict early,
2. identify opportunities and access resources and assistance to engage interested stakeholders in non-adversarial problem-solving processes to produce durable policies, decisions and solutions, and
3. utilize conflict resolution tools whenever possible to achieve goals without unnecessary delays and costs.

Taken together, this leadership team included in FY 2013 7 FTEs in OS, 1.5 FTEs in SOL, 3 FTEs in the Bureau of Land Management (BLM), 2 FTEs in the US Geological Survey (USGS), and recognized collateral duty Bureau Dispute Resolution Specialists that carry out CADR responsibilities in each of the other DOI bureaus, including the Bureau of Ocean Energy Management (BOEM), the Bureau of Safety and Environmental Enforcement (BSEE), the Office of Surface Mining (OSM), the National Park Service (NPS), the Fish and Wildlife Service (FWS), the Bureau of Reclamation (BOR), and the Bureaus of Indian Affairs and Indian Education (BIA and BIE). The Bureau Dispute Resolution Specialists in each bureau are actively engaged in these joint efforts and participate in monthly meetings of the IDRC. They routinely coordinate with each other and with CADR and Senior Counsel for CADR. They also provide ECR leadership within their respective organizations and are building networks of collaboration champions throughout their organizations both in DC and in their regional, state and field offices. Examples of coordinated capacity-building efforts during FY 2013 included:

1. providing consultation services to individuals, offices, teams, and bureaus on all issues relating to ECR including education and support for DOI managers on

- when and how to work with a professional facilitator and education and support for external dispute resolution professionals about DOI and bureau organizational structures, culture, and coordination needs;
2. continued implementation of an integrated communication strategy to build a common vision, messages and language about conflict management and collaborative problem-solving to increase understanding of how these processes and tools can improve results in resolving issues and help advance program goals and mission;
 3. conducting briefings and meetings with senior leadership on ECR and collaborative problem-solving to build understanding, increase awareness, seek input on opportunities and challenges, identify resources and build leadership support in all bureaus, offices and program areas;
 4. a more coordinated approach between the CADR team in OS, SOL, and the Bureaus, in partnership with the Office of Strategic Employee Development and DOI and Bureau training centers to provide high quality, relevant leadership education and training as well as basic public participation, collaboration, conflict management, ECR and negotiation skills training for managers and employees throughout DOI;
 5. a renewed focus on strategic planning and clear goals with metrics. This includes providing input on relevant goals and measures for DOI's GPRA Strategic Plan, for SES performance plans and for the Human Capital Strategic plan;
 6. assisting parties within and outside DOI in identifying and timely acquiring the services of skilled facilitators and mediators acceptable to all parties to conduct assessments, assist with process design and facilitate ECR processes; and
 7. evaluating significant ECR processes and sharing information on projects, cross cutting initiatives, case studies and lessons learned.

Additionally, CADR, SOL and the IDRC shared information and coordinated efforts with many partners to advance the capacity-building goals of the OMB/CEQ Memorandum and coordinated on inter-related efforts and initiatives including, amongst others:

- The DOI Human Capital team, Bureau Human Capital Officers and Human Resource Directors on issues such as collaboration and conflict management competency; workforce development; knowledge management; training; strategic employee development; and supervisory training;
- The CADR Office established an IDIQ contract that allows all DOI bureaus and offices to expeditiously procure the services of conflict management professionals to help manage and resolve environmental conflict;
- The Solicitor's Office Division of General Law on general legal guidance and questions raised about collaboration and ECR processes such as FACA, FOIA, administrative law or confidentiality issues, or on specific processes or negotiations challenges;
- The Office of Environmental Policy and Compliance (OEPC) on NEPA collaboration and adaptive management;
- The Fish and Wildlife Service to support the development of the National

Landscape Conservation Council;

- The OCIO and the Solicitor's office to lead the implementation of DOI's Open Government plan in FY 2013, to improve openness, transparency, collaboration and participation in all program areas throughout DOI. Among other things, this collaborative initiative has resulted in the publication of 122,000 data sets, the development of a new Government-to-Government Policy for working with Indian Tribes and the formation of the Extractive Industries Transparency Initiative (EITI), which is designed to provide more openness and transparency in the collection of revenue and fees associated with extractive activities within the United States; and
- DOI's FOIA practitioners, the Solicitor's office and the National Archives Records Administration's Office of Government Information Services to pilot training on the use of dispute resolution skills in all areas of FOIA program management. This initiative is part of DOI's Open Government Plan, along with other FOIA program improvements, such as changing the organizational placement of the Department's FOIA Officer to achieve greater alignment and openness in recordkeeping program management.

The CADR office Director and staff members and Senior Counsel for CADR also continued to represent DOI on several interagency groups and participated in a variety of interagency efforts to build common understanding and jointly advance collaboration and ECR processes amongst agencies. Examples include the ECR Forum led by OMB/CEQ, the ABA Federal Working Group on Collaboration and Dispute Resolution, and the Interagency ADR Working Group.

Training remains the cornerstone of DOI's effort to build capacity for effective conflict management and collaborative problem solving. DOI is committed to building conflict management skills and collaboration competency to improve internal and external communication, stakeholder engagement in planning and decision-making, collaborative problem-solving and conflict resolution in all areas of the Department's work. In short, we believe that good conflict management in the workplace will lead to good conflict management with external parties and issues.

During FY 2013, CADR-certified trainers delivered 197 conflict management skills training sessions to over 1,951 employees from all bureaus and offices in a variety of locations throughout the U.S. The foundational course "Getting to the CORE of Conflict" was designed to improve performance in the following key areas:

- Recognizing conflict and its root causes;
- Strategically responding to conflict;
- Efficiently managing and resolving conflict;
- Convening conflict management processes;
- Interest-Based Negotiations; and
- Identifying conflict as an opportunity to create change and build relationships.

CADR developed and tested this curriculum in 2006-2007 and has used a train the

trainer approach to steadily increase DOI's capacity to deliver consistent conflict management training for DOI employees in all bureaus and offices in locations throughout the U.S. at the lowest possible cost and with the additional benefit of using the trainers to build a community of practice and champions from all functional areas and all parts of DOI. Evaluations show that the overwhelming majority of participants considered this training as highly relevant to their work, and an aid in enabling them to accomplish their work more efficiently and effectively. In FY 2010, in response to demand and a clear need, CADR added a module to the training entitled "Getting to the CORE of Communications." In addition, CADR developed and offered another communications-related training on the difficulties in intergenerational communication entitled "Getting to the CORE of Generational Differences in the Workplace." These modules continue to be offered to DOI managers and employees and continue to receive overwhelmingly positive evaluations.

In addition, each year CADR sponsors training sessions on a variety of conflict management topics. In FY 2013, these offerings covered such topics as Basic Facilitation skills, Communication skills, Phone Facilitation, Decision Downloading, and others.

DOI bureaus and offices are also fully engaged in capacity-building efforts and reported engaging in 88 ECR cases in FY 2013. The 88 cases engaged in by bureaus in FY 2013 represents a approximate 300 percent increase over the number of processes (approximately 30) reported in the initial DOI ECR Report, submitted in FY 2006. The overall growth in reported cases reflects that capacity-building efforts including updated policies, guidance and education are bearing fruit and changing behavior at all levels of the Department. DOI bureaus and offices have improved their capacity to track and record ECR activity as a result of the improved education and coordination amongst the ECR leadership team in CADR and the Bureaus to complete DOI's annual ECR reports. While there is still room for improvement in the Department's use of ECR and collaborative problem-solving, the sustained use of ECR processes over the past 5 years shows that agencies are increasingly seeking to manage conflicts before they reach a formal administrative or judicial adjudicative forum. These are indicators that DOI's capacity building efforts are having a positive impact.

The bureaus reporting the most ECR cases in FY 2013 were the Bureau of Land Management (BLM) (35 cases), the Fish and Wildlife Service (FWS) (18 cases), and the Bureau of Reclamation (13 cases). The bureau reports reflect that about 60 percent of ECR cases took place in the context of planning. This percentage is consistent with previous ECR reports and reflects that there are significant opportunities to use ECR in this important aspect of DOI's work, particularly amongst those bureaus with land management responsibilities such as BLM, FWS, and NPS. In addition, the use of ECR to monitor and implement agreements, and policy development made up about 20 percent of DOI's reported ECR activity. The remainder of ECR activity took place in siting and construction, rulemaking, license and permit issuance, and compliance and enforcement.

The increased use of collaborative approaches to managing conflict and engaging stakeholders at the early phases of processes helps DOI bureaus, offices and program managers reduce the delays, costs, contentiousness, and other adverse consequences associated with the escalation of conflicts into disputes and formal complaints, while also producing better outcomes than administrative or judicially-imposed decisions might produce. When used effectively in the early phases of conflict situations, ECR allows managers to focus more resources and energy on mission and program needs free from the distractions and demands associated with unresolved conflicts, complaints or litigation.

Examples of specific bureau and office capacity building efforts include:

SOL:

The Office of the Solicitor continues to build capacity in ECR with a concentration in the training area. Again this year, all senior executives were required, through their performance plans, to commit to training staff in an ADR, collaborative action, or other problem-solving training. Senior Counsel-CADR continues to provide assistance to attorneys wanting to explore with clients the use of ADR or other collaborative processes. Throughout the year, Senior Counsel provided assistance in confidential convening conversations with parties exploring ADR in land and Indian Affairs appeals. The Office of the Solicitor continues to build capacity in ECR with a concentration in the training area. Additionally, the Senior Counsel -CADR was merged with the Associate Solicitor for Administration, providing greater prominence to the role. For the first time in FY 2013, the Solicitor's Office Honors Attorneys Program included a rotational opportunity for an attorney in CADR/Administration. The first person to work in this rotation significantly advanced the attention paid by other attorneys to ADR approaches in a variety of matters. Following the success of this rotational opportunity, the Solicitor approved having all Honors Program Attorneys serve on a rotation in CADR/Administration. The Solicitor's Office views this as an important step in continuing to build capacity and champions for the use of ADR, ECR, and other collaborative approaches.

OS:

The Secretary of the Interior continued supporting a 5 member commission on Indian Trust Administration and Reform under the Federal Advisory Committee Act, to conduct a comprehensive evaluation of Interior's trust management of nearly \$4 billion in American Indian trust assets and provide recommendations on how to improve performance. The Office of the Secretary, the Bureau of Indian Affairs, the Office of the Special Trustee and professional impartial facilitators are providing support for the work of the Commission and assisting with public outreach. The Department of the Interior also conducted facilitated regional consultation meetings with Tribal leaders to begin discussions on the land consolidation component of the settlement of the Cobell litigation.

BLM:

The Bureau of Land Management's (BLM) Collaboration and Dispute Resolution Program is structurally located within the Washington Office Resources and Planning Directorate; Division of Decision Support, Planning, and NEPA. Established in 1997, the Collaboration and Dispute Resolution Program is dedicated to policy development, and providing training, resources and direct support for collaborative and dispute resolution processes in the context of natural resources and land management.

The BLM continued to build capacity for Environmental Collaboration and Conflict Resolution (ECCR), including both third-party assisted and unassisted activities, in Fiscal Year (FY) 2013 in three primary categories:

Strategic Direction

In FY 2013, the BLM initiated a strategic planning process, including a broad needs assessment in partnership with the USGS Branch of Policy Analysis and Science Assistance.

A needs assessment survey was delivered to over 6,700 BLM employees nationwide achieving a 45% response rate. The survey was designed to assess employees' experience, capabilities, training, resource use, future training and resource needs, and general perceptions regarding collaboration and dispute resolution in BLM. A survey report will be peer-reviewed and published through the USGS OpenFile system in FY 2014, and the results are informing the BLM's Collaboration and Dispute Resolution Strategic Plan. The Strategic Plan is being developed by a diverse BLM Oversight Committee and will include strategic direction for providing ECCR support, policy, and resources to the BLM field.

Issue Coordination & Program Integration

The BLM coordinates issues and integrates programs across the organization to promote ECCR in the implementation of existing national policies. In particular, the BLM's National Riparian Service Team and the National Operations Center, Division of Resources Services (NOC, DRS) provide high-level technical expertise and program support to BLM and stakeholders in upholding the overall mission of sustaining the health, diversity, and productivity of the public lands. The following are examples of ECCR across a variety of BLM programs, which has become the standard for doing business.

Interagency Creeks and Communities Strategy

The BLM National Riparian Service Team (NRST) continued leadership of the interagency Creeks and Communities Strategy to build the capacity of land managers and stakeholders to address complex and potentially contentious issues surrounding riparian wetland resources. The NRST and a diverse network of Federal and state agencies, non-government organizations, universities, and private individuals, provided assistance in FY 2013 to support place-based environmental problem solving,

addressing technical issues while recognizing and addressing the social context.

Eco-Regional Assessments

The BLM continued to use a collaborative process for developing Eco-regional Assessments in FY 2013. The BLM compiled and assessed data for natural resource and conservation planning, as part of the BLM's landscape approach to land management. A landscape approach looks across large geographic areas, regardless of administrative boundaries, to identify important ecological values and patterns of environmental change. This landscape approach allows management strategies to be developed in collaboration with partners and stakeholders.

Land Use Planning and NEPA

In the Land Use Planning Program, both the Federal Land Policy and Management Act (FLPMA) and National Environmental Policy Act (NEPA) include requirements for public involvement. Nation-wide throughout FY 2013, the BLM held open houses, workshops, and numerous other public gatherings and meetings as part of the land use planning and NEPA processes, examples of which are detailed later in this report.

Renewable Energy

As part of the BLM's effort to increase the utilization of renewable energy resources, NOC DRS coordinated with the BLM Washington Office, State and Field Offices to engage local communities, state regulators, industry, and other federal agencies to identify sites for environmentally sound development of renewable energy on public lands. In FY 2013, BLM utilized public meetings and stakeholder working groups, among other processes, to collaboratively plan, prepare, and implement renewable energy projects on BLM-managed lands. This clean energy future includes wind, solar, geothermal, and biomass projects.

Hazardous Materials Management

Compliance with environmental laws and regulations is especially important in the Hazardous Materials Management and Natural Resource Damage Assessment and Restoration (NRDAR) Programs. The NRDAR process is a resource management tool the BLM uses to restore injured public resources lost due to contamination of hazardous substances. Public participation and cooperation is critical in investigating, analyzing and developing restoration plans for implementation. Open houses and public meetings are held frequently to provide the public with a vehicle for participation during the cleanup process pursuant to the Comprehensive, Environmental Response, Compensation and Liability Act (CERCLA). Cooperation among other federal agencies and state and local governments is also critical.

Air Quality

In keeping with the President's policy to expand domestic oil and gas production safely and responsibly, the U.S. Department of the Interior/BLM, the U.S. Department of Agriculture, and the U.S. Environmental Protection Agency have taken an interagency approach to address air quality issues associated with onshore oil and gas development on public lands. A 2011 Memorandum of Understanding (MOU) established a common

process for the agencies to follow in analyzing the potential air quality impacts of proposed oil and gas activities on federally managed public lands. In collaboratively implementing this MOU, the signatory agencies have increased efficiency, certainty, and transparency, benefitting industry, Federal agencies, states, and Tribes.

Grazing/Rangeland Program

The Public Rangelands Improvement Act utilizes a process of “consultation, cooperation, and coordination” (referred to as the CCC process) with permittees, states, and landowners. In FY 2013, the BLM actively applied the CCC process in renewing grazing permits, adjusting grazing allotments and allotment management plans, range improvements, and the evaluation of monitoring and other data.

Training and Capacity Building

The BLM continued to develop and offer Environmental Collaboration and Conflict Resolution training, and participated in Departmental and government-wide training opportunities in FY 2013, including:

- *Developing and Maintaining High Performing Teams*
9/26-9/27/13, Albuquerque, NM, 10 students
- *Advanced Collaborative Governance,*
10/24-10/26/12, Denver, CO, 21 students
2/27-2/29/13, Albuquerque, NM, 21 students
- *Emotion, Outrage, and Public Participation*
2/11-2/12/13, Anchorage, AK, 39 students
2/14-2/15/13, Glennallen, AK, 12 students
- *Collaboration in Natural Resource Management in Wyoming*
Sponsored by the Collaboration Program in Natural Resources at the Ruckelshaus Institute of the University of Wyoming, but coordinated with BLM staff and including significant contributions, presentations, and panel participation by management and leadership. Presentations were also made to the Wyoming Resource Advisory Council and other collaborative groups throughout the year.

BOR:

BOR increased institutional and programmatic capacity for ECR in FY 2013 by, among other things:

- Working with Oregon State University to develop training and materials on conflict management as it pertains to water issues;

- Continuing to include collaborative problem-solving in the performance plans of all of its employees.

NPS:

The following two initiatives are examples of how NPS increased its institutional capacity for ECR in FY 2013:

Human-Wildlife Conflict Collaboration: Since 2008, the NPS Natural Resource Stewardship and Science Human Dimensions Program has been working with the Human-Wildlife Conflict Collaboration (HWCC) to integrate conservation conflict transformation (CCT), a sub-discipline of the peacebuilding field, into conservation and protected area and wildlife management practices. Through participation on the steering committee of HWCC, NPS has access to the resources they develop and their trainings. HWCC builds capacity of and facilitates conflict interventions for all stakeholders in conservation and resource management. Their capacity building work supports individual and group ability to analyze, identify, and address the identity-based aspects of conflicts that require reconciliation to achieve positive, sustainable change.

From 2008-2012, 14 NPS staff participated in HWCC mini-trainings and 6 NPS staff participated in multi-day capacity building workshops. In 2013, two NPS staff participated in a multi-day CCT workshop. The multi-day workshops include analysis of real cases to identify actions that participants can put into place when they return to their park. Feedback from NPS staff has consistently been very positive and NPS is working to develop ways to broaden exposure to CCT, explore the development of distance learning options, and incorporate its principles into regular agency operations, such as stakeholder engagement in Environmental Impact Statements.

Collaboration Clinics. This is an emerging model for helping NPS staff, stakeholders, and partners develop the specialized skills they need to work collaboratively for more effective planning, decision-making and resource management. Many aspects of existing NPS policy and guidance speak to the value of developing integrated, collaborative approaches to accomplishing our mission and getting our collective work done. Collaboration Clinics provide planners, superintendents, park staff and other decision-makers practical training, coaching, and practice in using collaborative approaches and processes.

Collaboration Clinic trainers work with parks and other clinic sites to increase the in-house collaborative capacity in a way that is tailored to a park's particular needs or situation. Clinic content combines elements of many different disciplines including communication, conflict resolution, consensus building, designing collaborative processes, facilitation, mediation, group dynamics, neuroscience, planning, interest-based negotiation, public participation, having difficult conversations, organizational development and more.

Clinic trainers are NPS and DOI staff (including CADR) who are trained and experienced in facilitation and collaborative problem solving. Coaches approach each

Clinic site as a symbiotic community of players, some of whom are Federal employees, some of whom are business people or local officials, and some of whom are passionate individuals or organizational partners.

OSM:

OSM strengthened its institutional capacity to engage in ECR by continuing to use a broad array of partnering activities in carrying out the Surface Mining Control and Reclamation Act.

FWS:

The Fish and Wildlife Service built institutional capacity to engage in ECR in FY 2013 by offering training courses and by sponsoring several ECR-related initiatives. Each year approximately 18 courses attended by 400-500 students are conducted by the National Training Conservation Center (NCTC) that help build capacity in the FWS and other agencies in collaborative problem solving.

BIA/ BIE/ ASIA:

The Assistant Secretary- Indian Affairs, including the Bureau of Indian Affairs and Bureau of Indian Education have taken the following steps in 2013 to build capacity for the ECR process:

The Office of Regulatory Affairs and Collaborative Action (RACA) currently have one employee working on conflict management-related issues; and another working on detail from the Office of the Solicitor.

The RACA office regularly engages with the DOI Office of Collaborative Action and Dispute Resolution (CADR) office on giving advice to parties who have matters on appeal before the Board of Indian Appeals, looking for creative ways to provide neutral services in cases that present unique circumstances. In addition Indian Affairs partnered with CADR and the US Institute for Environmental Conflict Resolution on the Cobell Consultations and the Secretary of the Interior's Indian Trust Commission. The RACA office provided 8 trainings on topics related to conflict management in FY 13.

OHA:

Both the Interior Board of Indian Appeals (IBIA) and the Interior Board of Land Appeals (IBLA) continue to encourage parties to consider direct negotiations or ADR to resolve or narrow the issues in pending appeals. When a case is docketed with either Board the docketing notice informs the parties about ADR options and encourages negotiations. Parties are also informed they may contact the CADR Office for assistance

in considering ADR options and identifying a mediator or facilitator to assist them. The Boards will suspend consideration of an appeal to allow parties the time to participate in settlement discussions.

In addition, each Board will affirmatively direct the parties to discuss settlement, if the lead judge, in reviewing the appeal, believes that the case is suitable for ADR. IBLA specifically evaluates ADR suitability during its disposition of stay petitions, and directs the parties to discuss settlement in appropriate cases. (An automatic stay applies in IBIA appeals, so that Board does not stay petitions.)

The Departmental Case Hearings Division (DCHD) uses telephone conferences to discuss settlement prospects with the parties in cases where a hearing has been requested.

2. ECCR Investments and Benefits

- a) Please describe any methods your agency uses to identify the (a) investments made in ECCR, and (b) benefits realized when using ECCR.

Examples of investments may include ECCR programmatic FTEs, dedicated ECCR budgets, funds spent on contracts to support ECCR cases and programs, etc.

Examples of benefits may include cost savings, environmental and natural resource results, furtherance of agency mission, improved working relationship with stakeholders, litigation avoided, timely project progression, etc.

The Department of the Interior tracks investments through the ECCR Report and other means.

Through the ECCR Report, we have gathered data relating to investments in FTEs, contracts, and technological solutions that track ECR processes. Investments in FTEs and the new DOI ECR contract are discussed more fully with respect to Question 1.

Investments in human resources are tracked through performance plans. Conflict management and collaboration performance standards are included in the performance plans of all Senior Executive Service (SES) positions to encourage appropriate use of conflict management and collaborative problem-solving. In addition, one bureau, BOR, has included these relevant measures in the performance plans of all of its employees. The CADR office advocates and encourages inclusion of conflict management and collaborative problem-solving performance standards for all DOI employees.

Investments in processes are tracked through the use of multi-agency evaluation instruments to evaluate process use and measure the performance of ECR and related activities including training and internal team or group facilitation as well as external situation assessments, facilitated or mediated conflict resolution processes or consensus-building processes. In FY 2009 CADR obtained permission from OMB to independently use the evaluation instruments developed through the Multi-Agency Evaluation Survey (MAES) led by the US Institute for Environmental Conflict Resolution (USIECR). The data collected through these instruments are analyzed with an eye towards improving process design, as well as evaluating agency and individual performance and process outcomes.

In general the Department-wide capacity to track and report on ECR activity remains unreliable and inconsistent. However, it does appear that the process of preparing the annual ECR reports has improved the capacity of bureaus to gather information on ECR cases, as is evidenced by the increase in reported cases and depth of information provided since the first Report was compiled in FY 2006.

Conflicts in formal administrative or judicial forums are tracked through a case docket system. The Interior Board of Land Appeals, Board of Indian Appeals, and the Department Case Hearings Division rely on their dockets to track the status of their cases, which includes information on whether a case is in ADR.

Individual bureaus and offices reported the following additional information on their ability to track the use and outcomes of ECR during FY 2013:

BLM: ePlanning:

The BLM State and Field office regularly engage collaboratively with the public and other agencies in project development and National Environmental Policy Act (NEPA) analysis. Stakeholders participate in ECR and, more often, unassisted collaborative activities throughout BLM's major planning efforts. Stakeholders can track their recommendations as they are reflected in the draft and final planning documents and Records of Decision. The BLM's ePlanning effort is helping to make this participation easier and more accessible in addition to making the tracking information more transparent and readily available. ECR and unassisted processes are increasingly being tracked through BLM's Geographic Information Systems (GIS) as well.

The cadre of e-Planners are all heavily involved in training the BLM State and Field Offices in the use of the electronic NEPA planning documents. This electronic system allows for ease of filing NEPA and planning documents and greater access to the public.

SharePoint Tracking:

In FY 2013, the BLM implemented pilot online tracking systems in each of the BLM States. Some BLM States, such as BLM Nevada, have long made use of these systems to track ECR activities throughout the year, and several BLM States Offices launched this capability during FY 2013.

Additionally, individual States are customizing and adding to these systems to assure continued use and increase the benefits of the system to their States. For example, the BLM Oregon/Washington State Office developed an Administrative Remedy/Litigation/ADR Tracking Database in coordination with the BLM Washington.

OHA:

OHA utilizes its docketing system to track cases, including cases that have been referred for direct or assisted negotiation.

NPS:

NPS tracks ECR that is being used in NEPA processes through its Planning, Environment and Public Comment (PEPC) on-line project management system. This system, similar to BLM's ePlanning tool, captures events associated with NEPA processes. The NPS Planning, Environment and Public Comment (PEPC) system has enabled NPS to efficiently organize, consider and strategically respond to a large volume of public comment on controversial projects such as the Yellowstone National

Park Interim Winter Use Rule (almost 40,000 correspondences from the public containing over 171,492 comments) and the Cape Hatteras National Seashore Off Road Vehicle Management Plan (over 15,000 correspondences from the public containing over 50,000 comments). The PEPC system encourages the public to engage in park planning by making up-to-date information easily available in one site on planning projects in parks across the country.

- b) Please report any (b) quantitative or qualitative results (benefits) you have captured during FY 2013.

Methods currently in use by DOI to measure the benefits of ECCR include, as noted above, multi-agency evaluation instruments to evaluate process use and measure the performance of ECR and related activities including training and internal team or group facilitation as well as external situation assessments, facilitated or mediated conflict resolution processes or consensus-building processes. The data collected through these instruments are analyzed with an eye towards improving process design, as well as evaluating agency and individual performance and process outcomes. The two MAES large scale projects that have been undertaken by the USIECR indicate that there are several lasting benefits from using skilled third parties to resolve environmental conflict, including gains in trust among parties, sustainability of outcome, and reduction of the likelihood that parties will resort to litigation.

In fact, parties in several of the cases reported herein note a gain in trust amongst parties as a result of a third party being brought in to facilitate a process. These include:

In FY 2013 BOR contracted with a firm to facilitate the implementation of a Programmatic Agreement for the Navajo-Gallup Water Supply Project in New Mexico. Cultural Resources are a source of ongoing disagreement among tribes, agencies, and stakeholders during the construction of large projects. BOR personnel at the field level report gains in trust amongst the parties to this Agreement as a result of the facilitation, which should result in the successful implementation of this agreement.

In FY 2013, NPS brought in a facilitator to facilitate the Fort Hancock 21st Century Advisory Group. The mission of the Group was to develop ideas for NPS as to how to deal with over 30 unused structures within the boundaries of the Fort Hancock Unit of Gateway National Recreation Area. Through this facilitated process the group developed a Request for Expressions of Interest (RFEI), that NPS hopes will lead to a plan to preserve these structures. The facilitator successfully built trust amongst the parties, something which had been missing in previous attempts to address this issue.

In FY 2013 BOR and NPS continued to rely on facilitation to resolve issues concerning water use relating to the Yellowtail Dam and Reservoir in Montana. Prior

to the use of facilitation, trust was extremely low amongst all stakeholders involved in this process. BOR credits the facilitation team with being able to boost the level of trust to the point where all parties to the agreement are able to work together in a manner that furthers the missions of the DOI agencies involved.

These, and other cases are illustrative examples of the qualitative benefits that can ensue from bringing a third party facilitator into a process.

- c) What difficulties have you encountered in generating cost and benefit information?

Tracking cost data on a DOI-wide basis is difficult due to the decentralized nature of the Department. However, some data is attainable. For instance, DOI agencies spent approximately \$2.8 million on the DOI CADR ECR contract in FY 2013. Costs relating to labor performed by government personnel, on the other hand, are harder to assess, as DOI agencies do not require their personnel to break down their time into ECCR and non-ECCR time units.

We have found that it is much easier to generate qualitative, rather than quantitative, information regarding the benefits of these processes. Qualitatively, managers may conclude that without the services of a skilled third party, they would not have achieved a successful result. When they share this opinion, we view it as support for the value of these processes, despite the fact that it is subjective opinion.

3. **ECCR Use**:** Describe the level of ECCR use within your department/agency in FY 2013 by completing the table below. [Please refer to the definition of ECCR from the OMB-CEQ memo as presented on page one of this template. An ECCR “case or project” is an instance of neutral third-party involvement to assist parties in a collaborative or conflict resolution process

	Total FY 2013 ECCR Cases ²	Decision making forum that was addressing the issues when ECCR was initiated:				ECCR Cases or projects completed ³	ECCR Cases or Projects sponsored ⁴	Interagency ECCR Cases and Projects	
		Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)			Federal only	Including non federal participants
Context for ECCR Applications:									
Policy development	10	10	—	—	—	2	8	7	3
Planning	55	50	4	1	—	12	44	10	45
Siting and construction	2	2	—	—	—	1	2	1	1
Rulemaking	2	2	—	—	—	1	2	—	2
License and permit issuance	7	6	1	—	—	3	7	—	7
Compliance and enforcement action	5	3	1	1	—	2	5	—	5
Implementation/monitoring agreements	5	5	—	—	—	2	4	4	1
Other (specify):	2	2	—	—	—	2	2	—	2
TOTAL	88	80	6	2	—	25	74	22	66
		(the sum of the Decision Making Forums should equal Total FY 2013 ECCR Cases)							

² An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2013.

³ A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2013. 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.

⁴ Sponsored - to be a sponsor of an ECCR 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 ECCR case.

Note: If you subtract completed ECCR cases from Total FY 2013 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2013 ECCR cases it should equal total cases in which your agency or department participated but did not sponsor. If you subtract the combined interagency ECCR cases from Total FY 2013 cases it should equal total cases that involved only your agency or department with no other federal agency involvement.

4. ECCR Case Example

Using the template below, provide a description of an ECCR case (preferably completed in FY 2013). 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 ECCR effort was funded
<p>Listening Sessions for Colorado National Monument. Early in 2013 the National Park Service initiated work to develop a Visitor Activity and Commercial Services planning process to consider the many types of visitor activities and special use requests at the Colorado National Monument. The plan will identify definitions for specific public uses, analyze activity issues and uses, establish criteria for commercial use permitting, and develop standards to ensure resource protection, ensure a range of high-quality visitor experiences, and meet legal requirements.</p> <p>The monument's main roadway, Rim Rock Drive, provides the only paved access to many of the monument's most popular visitor attractions, including its campground, numerous trailheads, and visitor center. The roadway also provides access across the park for visitors and to park neighbors in the Glade Park Area. The greater Grand Valley community looks to the monument to provide a venue for many events that can and do enhance the stature of this entire area. The monument, and in particular Rim Rock Drive, provides a magnificent and photogenic backdrop for many types of events both large and small.</p> <p>In response to a number of park public use issues, in the summer of 2013, Colorado National Monument held "Listening Sessions" which focused on a number of goals, some of which are to: build a shared understanding about monument resources; enhance and maintain relationships with the community and greater public; provide an opportunity for the community to share knowledge and perspective; and start a foundation for an implementable, sustainable planning process for visitor use at the monument. The park hired a skilled facilitator to design and implement this process.</p>
Summary of how the problem or conflict was addressed using ECCR, including details of any innovative approaches to ECCR, and how the principles for engagement in ECCR outlined in the policy memo were used
<p>The plan development required a robust public engagement strategy designed to reach a broad spectrum of stakeholders and general users. Providing education and increasing a public understanding of the application of existing laws and policies affecting the management of the monument was integral to the success of this planning effort. The monument has not always been consistent with the application of policy and some events such as bike races have been permitted in the past. These deviations over time have led to confusion and concern within the stakeholder community about what can and cannot be permitted as well as where opportunities exist for future uses. To support the public engagement process, the National Park Service (NPS) conducted three public meetings in Western Colorado to understand monument users' concerns, identify issues, and consider potential alternatives to inform the planning process.</p> <p>The NPS asked its contractor to help develop a process to maximize the opportunity for the public to provide their input regarding what they most value about the monument as well as to ensure that the meetings would meet participants' needs and expectations. Over several weeks CDR</p>

interviewed – both by phone and in person – approximately thirty residents of Grand Junction, Fruita, and Glade Park, to identify what the public considered to be some of the most important issues regarding uses of the monument. Then, together with the NPS, the contractor created four major topic areas that were the framework for the public meetings. The three meetings, or Listening Sessions, in Fruita, Grand Junction and Glade Park were held July and August (2013). As an ongoing aid to public education and involvement, a companion document titled “Frequently Asked Questions” (FAQ) was prepared by the NPS and provides additional information and general responses to questions raised during the listening sessions.

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 ECCR

According to Lisa E. Eckert, Superintendent, *“A collaborative and conflict resolution process aided by a third-party neutral has been a proactive step for Colorado National Monument. For us, the ingredients of being an urban park whose residents have high-level interests and passions for ‘their park’ and its primary access corridor (23-mile Rim Rock Drive) is one part. Another included inconsistencies in NPS management decisions during the past three decades that continued to stir a pot where many community members felt frustrated, angry and unheard. By holding listening sessions, we did exactly that – listened.”*

A broader base of communication and understanding was developed to enable the park and region to understand public concerns in a greater context and generate more options within the decision-making process.

Although it was acknowledged that many people had come to the meetings to discuss the issue of bike races in the monument and the question of re-designation of the monument to national park status, neither of these two topics were specifically “on the table.” These meetings were not intended to be decision-making meetings. Rather, the NPS was interested in hearing from participants, “What do you most value about the Colorado National Monument? What do you like to do there and what would make the experience even better for you? What resources do you most want to protect and what impact does the monument have on your community?”

Greater understanding and dialog was generated around the following four points:

- The role of the NPS in managing the Colorado National Monument
- Natural, cultural and historical resources within the monument
- Enjoyment and use of monument resources
- Visitor experiences at the monument

Several community members emphasized how positive their experience has been with Colorado National Monument staff and praised them for “excellent customer service.” Some encouraged the staff to coordinate and partner more with community groups and local partners (BLM, Colorado Parks and Wildlife, Grand Junction Visitor and Convention Bureau, for example) in scheduling events in the monument.

Reflections on the lessons learned from the use of ECCR

The Colorado National Monument ECCR case identified several positive items to be sought in public feedback.

Overall there was open and enthusiastic participation in each “listening session” meeting. At the debriefing of each process, held toward the end of each meeting, participants characterized the experience as being “warm, welcoming, non-threatening, open and safe.” People thanked the NPS for providing “good data, giving a good picture of NPS management and its decision-making process.” People felt that *“the small group process really worked; with effective give and take”* in conversations. There was a general feeling that people felt “heard” and that one-to-one discussions with NPS staff were appreciated.

5. Other ECCR Notable Cases: Briefly describe any other notable ECCR cases in the past fiscal year. (Optional)

BOEM:

BOEM actively engages interested and affected parties in the coastal states to identify concerns associated with renewable energy data collection, technology testing, and commercial activities off the coast of the United States. In FY 13 BOEM sponsored 4 events in which sought stakeholder and public input into its renewable energy projects and policies that were assisted by the services of a third party neutral.

NPS:

Cape Cod National Seashore :

The issue in this case was the need for parking at one part of the Cape Cod National Seashore. The NPS utilized a third-party neutral facilitator to facilitate multiple groups with conflicting interests in order to develop a mutually agreed upon alternative for use in an Environmental Assessment. This approach allowed the NPS to participate as a subject matter expert without being part of the process itself.

BLM:

BLM-Colorado: Dolores River Dialogue

The BLM worked with a coalition of Federal, state, and local officials, as well as environmental groups and other water users seeks to explore management avenues for protecting the Lower Dolores River in Colorado. The interested

parties identified the need to engage a third-party neutral in an effort to try to come to agreement about uses of the river after many contentious years of dialogue that was moving away from consensus. The third-party neutral was provided by one of the member organizations and works on a pro bono basis, and the continuing effort has fostered open dialogue, helped to identify shared concerns and desired outcomes, and identify issues where consensus may not be possible while continuing to pursue collaboration over those issues where consensus may yet be achieved.

BLM-Oregon/Washington: Salem District's Sweet Home All Lands Collaborative

The BLM-Oregon/Washington is engaged with the Federal Lands Livability Initiative along with the Federal Highway Administration, the US Fish & Wildlife Service, the Department of Housing and Urban Development, the Environmental Protection Agency, and The Conservation Fund. As a part of this initiative, selected communities are invited to participate in a Livability Assessment and subsequent Action-Planning workshop whereby recommendations from the assessment will be implemented.

Sweet Home, Oregon was selected as one of the communities for this initiative and the BLM, Cascades Resource Area, Salem District has committed to support the effort. BLM's main contributions would be to commit time and resources to exchange an 80-acre parcel slated for disposal for a culturally significant, privately owned property containing the Cascadia Caves. The Cascadia Caves are considered to contain the best known Native American pictographs west of the Cascades in Oregon. The Forest Service would manage the caves for the federal government either through an inter-agency agreement or by transferring the parcel to them directly.

BLM-Utah: Grand Staircase-Escalante National Monument

Grand Staircase-Escalante National Monument (GSENM) has been controversial since the Proclamation establishing the Monument was signed in 1996. GSENM began a grazing management planning process in FY 2000 that was terminated after a decade for various reasons including conflict over resources uses. In FY 2013, GSENM again began a new grazing management planning process. Recognizing the ongoing conflict over resource uses, GSENM, in cooperation with the DOI Office of Collaborative Action and Dispute Resolution (CADR), hired a third-party facilitator/outreach coordinator (The Participation Company) to assist with this new planning process. This multi-year planning effort is still in its infancy. The Participation Company has facilitated one meeting and provided public involvement training to BLM staff. The full utility of The Participation Company has not yet been realized due to the early stages of the planning effort.

BOR:**Structured Decision-Making Workshops to Assist in Preparation of an Environmental Impact Statement (EIS) for a Long-Term Experimental and Management Plan (LTEMP) for Glen Canyon Dam**

In December 2010, Secretary Ken Salazar announced the DOI's intention to work with stakeholders on the LTEMP EIS. A Notice of Intent to Prepare an EIS was published in the Federal Register on July 6, 2011, and identified the Bureau of Reclamation and National Park Service (NPS) as co-lead agencies. There are 14 cooperating agencies (including six tribes) involved in this EIS. A primary function of the LTEMP EIS will be to continue the successful experiments completed under the Glen Canyon Dam Adaptive Management Program. Dam operations and other actions under the jurisdiction of the Secretary of the Interior will be considered for inclusion in alternatives in the LTEMP EIS, in keeping with the scope of the Grand Canyon Protection Act of 1992. This will be the first EIS completed on the operation of Glen Canyon Dam since 1995, which was a major point of demarcation in attempting to achieve a balance between project purposes and natural resources protection. Scoping for the LTEMP EIS was completed early in 2012 and draft EIS development is currently in progress. A draft EIS is expected in 2014.

6. Priority Uses of ECCR:

Please describe your agency's efforts to address priority or emerging areas of conflict and cross-cutting challenges either individually or in coordination with other agencies. For example, consider the following areas: NEPA, ESA, CERCLA, energy development, energy transmission, CWA 404 permitting, tribal consultation, environmental justice, management of ocean resources, infrastructure development, National Historic Preservation Act, other priority areas.

All areas of conflict are “priority” areas of conflict for the Department of the Interior. Any conflict that might impede DOI in carrying out its mission is conflict that warrants attention. With that in mind, bureaus reported the following specific areas of priority use of EECR in FY 2013:

BLM:

The BLM has placed special emphasis on the use of ECCR and unassisted collaborative activities among many priority areas of conflict and cross-cutting challenges. These include:

1. NEPA throughout the BLM’s planning process and in implementation decisions;
2. ESA through the efforts working across administrative boundaries in support of sagebrush habitat and conservation of the candidate species Greater Sage-Grouse;
3. Energy development and energy transmission in support of a large expansion in renewable energy development across BLM lands, including programmatic efforts to proactively address competing interests and multiple-use challenges for current and future development; and,
4. Tribal Consultation in implementing the recent DOI Tribal Consultation Policy and improving tribal consultation practices and Government-to-Government relations.

Other priority areas for the BLM in which ECCR principles and practice are being pursued include:

1. Interagency wildfire management and community fire planning along the wildland-urban interface;
2. Wild horse and burro management under the Wild and Free Roaming Horse and Burro Act;
3. Forest practices in Western Oregon areas under the O&C Lands Act, as well as forest health task forces in Idaho and Wyoming;
4. Travel management and recreation; and,

Addressing social considerations and non-market values.

BOR

For the BOR, there have been two priority areas where ECCR has been used successfully. The first is in project operations – aiding in decision making related to water and power releases and operations and maintenance. Such examples include the Big Horn Issue Group, associated with management of the Yellowtail Dam and Reservoir in Montana, operations of the Rio Grande Project in New Mexico and Texas and the Glen Canyon Adaptive Management Work Group, which guides the operations of Glen Canyon Dam.

The other area is related to facilitating the compliance with Federal environmental laws such as the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) –and the Endangered Species Act. Case examples - include development of a Programmatic Agreement for the Navajo-Gallup Water Supply Project (NGWSP), the Middle Rio Grande Endangered Species Collaborative Program ; Structured Decision-Making Workshops to Assist in Preparation of an Environmental Impact Statement (EIS) for a Long-Term Experimental and Management Plan (LTEMP) for Glen Canyon Dam; and the Klamath Project operations coordinated Endangered Species Act (ESA) Section 7 consultation process

BOEM: BOEM has focused on using ECR in its renewable energy program. With the help of expert third party assistance acquired through the CADR ECR contract, BOEM sponsored four public meetings in FY 2013 that were designed to inform and seek input from the public on renewable energy policy relating to coastal waters.

NPS: NPS continues to utilize ECR to engage the public and interested parties with respect to park planning.

7. Non-Third-Party-assisted Collaboration Processes: Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2013 to anticipate, prevent, better manage, or resolve environmental issues and conflicts that do not include a third-party neutral. *Examples may include interagency MOUs, enhanced public engagement, and structural committees with the capacity to resolve disputes, etc.*

DOI Agencies collaborated without the aid of a third party on many occasions in FY 2013. Here are some illustrative examples:

NPS:

AIR QUALITY. In 2011, an Air Quality Memorandum of Understanding (AQ MOU) was signed between USDA-Forest Service; DOI-Bureau of Land Management, U S Fish and Wildlife Service, and National Park Service; and U S Environmental Protection Agency. The AQ MOU addresses Federal decisions authorizing onshore oil & gas development on public lands at the planning, leasing, or field development stages, specifically air quality analyses and mitigation from federal oil and gas decisions through the National Environmental Policy Act (NEPA) process. The AQ MOU's collaborative approach preserves managers' decision space for Federal oil and gas decisions. It is focused on increased efficiencies through more effective interagency collaboration and dispute resolution.

RTCA AND THE INTERTWINE ALLIANCE

The Intertwine Alliance is a coalition of private firms, public agencies and nonprofit organizations working together to tap new sources of funding, better leverage existing investments, and more fully engage residents with the outdoors and nature in the Portland, Oregon metropolitan area. The RTCA office of the NPS has assisted the Intertwine Alliance by coordinating partners, creating a project methodology, developing a work plan and timeline, helping to form an outreach strategy, and acting as a critical thinking partner.

BLM:

BLM-Alaska

The BLM-Alaska worked with representatives of the Chilkat Indian Village to address concerns on the Ring of Fire Resource Management Plan Amendment, which dealt with issues of mountain goats and heli-skiing in the Haines area of southeast Alaska. Upon review, the Tribe expressed concerns that the draft amendment did not

incorporate tribal views on the cultural significance of the mountain goat populations, and that no Areas of Critical Environmental Concern, based on potential cultural significance, had been proposed in the draft.

The BLM field manager and staff conducted both telephone and face-to-face meetings with Tribal leaders to invite their views. As a result of the meetings, BLM reevaluated the “importance and relevance” criteria in the draft plan to ensure that the traditional cultural values were incorporated into the identification of new alternatives. The BLM is incorporating a new conservation alternative in the final plan, and has planned future meetings to work with the Tribe on new alternatives.

BLM-Arizona

The BLM Colorado River District (CRD)/KFO worked with the Hualapai Indian Tribe and arrived at a signed a Memorandum of Understanding (MOU) that describes how the BLM and the Tribe will collaborate, not only on required processes, but also on proactive projects. MOU negotiation meetings with the Hualapai Tribe took place quarterly during FY 2013 and involved BLM managers and staff, and well as tribal leaders and staff personnel. The MOU directly and indirectly defines how government-to-government and project-specific consultation will take place between the Hualapai Tribe and the offices of the BLM Colorado River District, such as consultation under the Native American Graves Protection and Repatriation Act (NAGPRA). These definitions address areas of mutual concern for heritage and natural resource management, as well as acknowledging and addressing Hualapai Tribal sovereignty in a manner defined and agreed to with the Tribe.

The MOU has already proved to be extremely useful with the unfortunate discovery of human remains within a roadbed during construction. This document streamlined the process as defined under NAGPRA. Consultation was quick and effective and BLM and the Hualapai Tribe were able to jointly reach a useful and mutually acceptable solution.

BLM-California

Desert Renewable Energy Conservation Plan (DRECP).

BLM-California did a large amount of work with partners and the public to develop the DRECP in FY 2013. Some of this work involved a third-party neutral, however, most was done directly with stakeholders through unassisted negotiations, workshops, and consultation. Specialists worked across agency lines in the development of the plan; managers engaged in government-to-government consultation with Tribal groups; and the DRECP team members gave presentations to interest groups. Benefits have included increased understanding and support for the DRECP.

BLM-Colorado

Colorado Air Resource Management Modeling Study (CARMMS)

The BLM-Colorado has undertaken a state-wide air quality modeling study to assist in

collaboration around five current and upcoming Resource Management Planning processes. The BLM is working with the EPA, the Forest Service, the National Park Service, the Fish and Wildlife Service, the Colorado Department of Health and Environment, as well as Tribes and the public, to develop procedures for assessing the air quality and impacts due to BLM-authorized oil and gas development activities. This is based on a June 23, 2011 Memorandum of Understanding between the DOI, USDA, and the EPA to work cooperatively resolving air quality issues affecting public lands.

BLM-Idaho

The BLM-Idaho has engaged numerous State of Idaho agencies, several Native American Tribal entities, and various stakeholder groups in the development of Resource Management Plans (RMPs). Each field office routinely engages the appropriate Resource Advisory Committee during the planning process.

The BLM-Idaho also coordinates yearly with the Idaho Water Resource Department on river designations specifically regarding federal Wild and Scenic Rivers and State designated rivers, and through public involvement, outreach, scoping, meetings, etc., and various field offices have invited and received public input for various project proposals. Additionally, several field offices with energy transmission or wind energy development proposals coordinate with proponents and other stakeholders to address sage-grouse concerns.

BLM-Montana-Dakotas

The BLM-Montana-Dakotas currently has four ongoing resource plan revisions and two plan amendments where cooperating agencies were invited to participate early in the process, and have remained active participants throughout the planning/NEPA process. The agencies attend interdisciplinary meetings, review documents, and provide BLM valuable feedback based on their expertise and jurisdiction. The BLM-Montana-Dakotas also regularly works with resource advisory councils (RACs) on all major NEPA/Planning projects occurring within the state. The use of RACs helps BLM make sure all potential viewpoints are sought early in the process, and that advice is given to BLM from a group that represents many key stakeholders.

BLM-Nevada

The BLM-Nevada worked with the Southern Nevada Water Authority and the public on pipeline right-of-way permits to allow water transfers from the Great Basin of northern Nevada to the southern Nevada desert and Colorado River basin, with water conveyance connections to southern California. Through extensive stakeholder outreach amidst perpetual threats of lawsuits, the BLM-Nevada successfully navigated the process and issued the right-of-way permits, with greatly enhanced public awareness that the water transfer decision was more at a local and regional scale and not just a Federal action for the pipeline access.

BLM-New Mexico

Chaco Culture National Historical Park

The BLM-New Mexico, Farmington Field Office fostered a relationship with the National Park Service, San Juan Citizens Alliance, Chaco Alliance, National Trust for Historic Preservation, the Hopi Tribe, and other groups to determine how to best identify, define, and analyze a myriad of potential effects from oil and gas leasing and development near Chaco Culture National Historic Park. Through extensive outreach, the BLM encouraged dialogue and developed working relationships that facilitated candid discussion of important but complex natural resource management issues, including the need for balanced energy development. The BLM recognized the importance of the cultural resources associated with the park and the landscape that extends beyond the park, and, in consultation with its partners, has endeavored to ensure protection of these values consistent with valid existing rights and other law, regulation, and policy. The BLM anticipates finalizing a Memorandum of Understanding with the National Park Service in FY 2014.

BLM-Oregon/Washington

The Oregon Sub-region's Greater Sage-Grouse Resource Management Planning effort, which is amending up to eight RMPs in eastern Oregon, routinely engaged cooperating agency stakeholders at the local, state, and Federal level without assistance of a facilitator. These meetings were critical in collaborating about key aspects of the drafting of the Draft Environmental Impact Statement.

BLM-Utah

A consortium of organizations with diverging interests, led by recreational interests, is leading an effort to develop a consensus-based alternative to be included in the Moab Master Leasing Plan. This non-third-party-assisted collaboration process is just beginning. The goal is to identify areas where there can be agreement between industry and recreational interests and provided recommended solutions to the BLM.

BLM-Wyoming

BLM-Wyoming works collaboratively with multiple cooperating agencies, a process that is ongoing in the Rock Springs Field Office (Rock Springs RMP Revision), the Cody and Worland Field Offices (Bighorn Basin RMP revision), the Buffalo Field Office (Buffalo RMP revision), and the Lander Field Office (Lander RMP revision). BLM-Wyoming has also established Cooperating Agency MOUs with state and local agencies to support the sage-grouse RMP amendments; covering all six remaining field offices across the state. BLM-Wyoming has 17 ongoing EISs that are also utilizing a collaborative approach involving stakeholders and Cooperating Agencies, as well as technical review committees for specific issues such as sage-grouse and air quality.

Finally, BLM-Wyoming has already developed a close working relationship with the recently-established Resource Advisory Council to promote open and effective dispute resolution through established processes.

8. **Comments and Suggestions re: Reporting:** 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.

DOI bureaus had the following comments on the new ECCR template:

- Please revise the definition of ECCR to include and clarify that historic preservation and cultural resource questions or issues are explicitly included beyond the quoted memorandum citation below:
- Data and definitions of what constitutes ECCR were not consistently interpreted when seeking data or case studies. Some regions reported on activities that are likely similar to those carried out in other regions that were not reported. The term “environmental” was interpreted more narrowly in some offices than others, despite an explanation of what was being sought. Each year, we provide more detailed directions, but we continue to find the same confusion.
- Some don’t see that the collaborative activities that are undertaken on a routine basis as “ECCR,” so they may not have reported them. These are considered to be Standard Operating Procedures (SOPs), so they are not routinely thought of.
- Overcoming reporting difficulties has been a challenge and it is likely that there are some lower profile activities “out there” that may meet the strictest definition but which were not identified in this data call. Highlighting the ECCR success stories – more widely has helped to generate awareness of the types of activities that should be reported.