

FY 2015 TEMPLATE
Environmental Collaboration and Conflict Resolution (ECCR)¹
Policy Report to OMB-CEQ

On September 7, 2012, the Director of the Office of Management and Budget (OMB), and the Chairman of the President's Council on Environmental Quality (CEQ) issued a revised policy memorandum on environmental collaboration and conflict resolution (ECCR). This joint memo builds on, reinforces, and replaces the memo on ECR issued in 2005.

The memorandum requires annual reporting by departments and agencies to OMB and CEQ on progress made each year in implementing the ECCR policy direction to increase the effective use and institutional capacity for ECCR.

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.”

This annual report format below is provided for the seventh year of reporting in accordance with the memo for activities in FY 2015.

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

The report deadline is February 15, 2016.

We understand that collecting this information may be challenging; however, the departments and agencies are requested to collect this data to the best of their abilities. The 2015 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 ECCR information from the agencies and other entities within the department. The information in your report will become part of an analysis of all FY 2015 ECCR reports. You may be contacted for the purpose of clarifying information in your report. For your reference, prior year synthesis reports are available at <http://www.ecr.gov/Resources/FederalECRPolicy/AnnualECRReport.aspx>

FY 2015 ECCR Report Template

Name of Department/Agency responding:	United States Army
Name and Title/Position of person responding:	Marc Van Nuys, Director of Dispute Resolution
Division/Office of person responding:	Office of General Counsel
Contact information (phone/email):	(703) 614 – 6861 marc.vannuys.civ@mail.mil
Date this report is being submitted:	January 26, 2016
Name of ECR Forum Representative	Carrie M. Greco, Environmental Litigation Attorney

Disclaimer: This report reflects ECCR efforts taken by employees of the U.S. Army Legal Services Agency, Environmental Law Division (ELD) while defending Army interests in litigation and compliance related cases. In addition, the report encompasses any collaborative efforts reported to ELD by installation Environmental Law Specialists.

- 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 2015, including progress made since FY 2013. 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 soon-to-be published Department of Defense (DoD) Instruction 5145.05, Alternative Dispute Resolution (ADR) and Conflict Management (replacing DoD Directive 5145.5, Alternative Dispute Resolution (April 1996)), will continue to require the Army to establish and implement ADR programs to resolve disputes at the earliest possible stage of the conflict and at the lowest possible organizational level, and encourage the use of proactive measures to identify and resolve conflicts as early as possible, before they grow into disputes that must be resolved through more formal means. The Army's ADR program, established by a 22 June 2007 memorandum issued by the Secretary of the Army, designates the Principal Deputy General Counsel as the Army Dispute Resolution Specialist (ADRS) and directs the establishment of an ADR Specialist position to assist the ADRS in carrying out the Army ADR Program, which includes conflict resolution across the spectrum of disputes. In this capacity, the ADR Specialist coordinates the annual ECCR report for Army, a portion of which is written by the Environmental Law Division of the U.S. Army Legal Services Agency and submitted by the Army ADR Specialist who develops and implements ECCR initiatives, activities and training throughout the Army. Pursuant to the Army's Dispute Resolution Specialist's management and written guidance, the Environmental Law Specialists (ELs) assigned to the U.S. Army Legal Services Agency (USALSA), the Army Judge Advocate General's Corps (JAGC) Legal Center and School, Army Commands, Army Service Component Commands and all of their subordinate commands and installations must support the ADR Policy and employ ECCR in those circumstances where it proves beneficial.

ECCR was routinely considered by the Army ELD in the following manners:

- 1. Cases in Litigation.** The environmental counsel assigned to ELD assess all matters in litigation on a case-by-case basis to determine if ECCR is appropriate. Litigation attorneys assess their litigation risks and balance the potential costs of litigation (i.e. the likelihood of adverse court decision; payment of claims and penalties; personnel man hours; precedential value of the case) against the benefits of settlement.
- 2. Agreements.** Army ELs negotiated provisions which require the resolution of disputes through informal cooperative measures, to include ECCR, in Federal Facilities Agreements, direct sales agreements and partnering agreements. Dispute resolution provisions are enforced as needed. There are no specific case examples to report for FY 2015.
- 3. Proactive Engagements.** Army ELs routinely seek to avoid disputes by engaging with Federal and state regulators, local stakeholders and the public in non-third-party-assisted collaboration, and partnering. There are no specific case examples to report for FY 2015.
- 4. Training.** The Army JAG Corps Legal Center and School (TJAGLCS) includes ADR training as part of its annual General Litigation Course. This course is attended by new environmental counsel within USALSA and throughout the Army. In addition, in FY 2015 two Army personnel attended the Air Force Negotiation and Dispute Resolution - one attorney from Fort Bliss, and one attorney from ELD.

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.

Methods to identify investments in ECCR. ELD primarily invests personnel resources in the management of litigation and compliance cases that involve ECCR. In the rare occasion that special ECCR funding is required to hire a third-party neutral, the Department of Justice provides funding or the court appoints an administrative law judge at no cost to the Army. See Part b for specifics on those investments identified in FY 2015.

Methods to Identify Benefits of ECCR. Within ELD, the benefits of ECCR are captured in the individual case files maintained by the environmental attorneys working the case. In addition, ELD representatives canvass the field of Army ELSs for feedback on their ECCR efforts and report those in the annual report. See Part b for specifics on those benefits identified in FY 2015.

- b) Please report any (a) quantitative or qualitative investments your agency captured during FY 2015; and (b) quantitative or qualitative results (benefits) you have captured during FY 2015.

Investments. The Army's ECCR investments are reflected in the budget for the Army's overall ADR program. Below are some examples of quantitative and qualitative investments in ECCR made by the Army ELSs in FY 2015.

1. **Investments in ECCR Personnel.** Army legal office invests in ECCR through budgeting for general attorney advisor FTEs (ELs) who provide general legal advice to commands, to include the ability to participate in ECCR.

2. **Investments for ECCR Training.** The Army invests in training through the Army JAGC Legal Center and School who provides a training block on ADR during its annual Litigation Course. This training requires a budget that includes preparation, travel and training time. ELD also takes advantage of funding provided by the Air Force to send Army attorneys to the Air Force's Negotiation and Dispute Resolution course.

3. **Investments for non-third-party-assisted collaboration.** Army ELSs and their leadership invest time and resources on negotiation, partnership and collaboration to avoid conflicts. In FY 2015, Army personnel at various Army installations hosted and gave presentations at quarterly working groups, town hall meetings and other public forums with community leaders and environmental groups and stakeholders regarding issues related to land use management, NEPA process management, the development of Army Compatible Use Buffer and Joint Land Use Study programs, and other issues of concern regarding environmental stewardship. Also in FY 2015, Army ELS's invested time incorporating dispute resolution provisions into federal facility agreements, including two consent

agreements between EPA Region III and Fort Belvoir, and continued to use the partnering approach to resolve matters in Tier 1 meetings. These investments in discussions and partnering have been very helpful in raising and discussing issues without the need for a third-party neutral involvement. No special funding investment was made for ECCR in FY 2015.

Benefits. Generally, ELD's quantitative benefits derived from ECCR are reflected in a reduction in the number of personnel and travel resources necessary to litigate disputes. Qualitatively, ECCR has provided open communication, trust and support between litigation attorneys at ELD and DOJ, regulators, and stakeholders at all levels. Parties are able to understand each other's positions and work together to generate a solution that is specifically tailored to improve the environment and still protect Army's goals and interests. Below are specific benefits resulting from the use of ECCR in FY 2015.

1. Improved open communications. The use of third-party neutrals for cases in litigation helped to facilitate open communication amongst the parties. The parties are more willing to discuss matters with a third-party neutral in open meetings forums and caucuses. These discussions help the parties understand the strengths and weaknesses of their position, the positions of the other parties, clear up any misunderstandings, identify areas of agreement and clarify disputes. Open communication creates an informed process that permits the parties to focus on resolution of the disputed issues.

2. Enabled communication at multiple levels of government. Commands communicate with regulators and stakeholders at Federal, state and local levels in strategic planning forums and NEPA planning and consultation processes. Garrison leadership are involved in quarterly working groups with community leaders and environmental groups to discuss environmental stewardship. Tiered partnering with regulators resolves issues relating to studies and investigations conducted during CERCLA remedial actions. Tier one involves the action personnel, tier two involves their supervisors and tier three involves the directors and commanders.

3. Built trust amongst stakeholders. Increased public engagement and collaboration encouraged open communication which built trust among the parties. Many ELSs have found formal third-party neutral ECCR unnecessary because their regular meetings with regulators and stakeholders provide open communication and understanding amongst the parties, resulting in fewer conflicts. Potential conflicts are identified and resolved early and at the lowest level through open discussions between Army personnel and the stakeholders regarding the Army's positions, policies and proposals on the use of resources, land management, sustainability and energy.

4. Facilitates conflict resolution planning. ELS's enter into Federal Facility Agreements and Cooperative Agreements on behalf of the Army, which contain enforceable dispute resolution provisions which can be utilized to resolve future conflicts. In addition, ELS's ensure conflict or dispute resolution language incorporated into the environmental annexes of Direct Sales Partnering Agreements with the private industry. ADR type clauses are also included in the environmental provisions of ISSAs with federal tenant activities.

5. Improved working relationships. When the ELS's utilize ECCR, the parties working relationships improve overtime.

6. Narrows issues in dispute. Third-party neutrals use open meetings and

caucuses to identify areas in common and narrow the issues in dispute and work toward resolution of those issues in dispute. Additionally, increased public engagement also helps to narrow any issues and resolve them at the lowest level in town meetings, avoiding the need for ECCR.

7. Reduced litigation costs. All reported instances of ECCR reflected that the parties came closer to settlement quickly, thereby reducing or avoiding litigation costs, including the man hours used to perform discovery and trial preparation.

- a) What difficulties have you encountered in generating cost and benefit information and how do you plan to address them?

Difficulties in generating cost benefit information. In FY 2015, gathering ECCR information was challenging because of high turnover amongst Army personnel. Comprehensive case transfer briefs to incoming personnel helped to maintain continuity. Additionally, in FY 2015, Army used non-third-party collaboration, negotiation or other proactive methods of resolution that do not involve a third-party neutral. These costs and benefits are not easily measured, are relational, subtle and difficult to quantify.

8. **ECCR Use:** Describe the level of ECCR use within your department/agency in FY 2015 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. In order not to double count processes, please select one category per case for decision making forums and for ECCR applications.

	Total FY 2015 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
<i>Context for ECCR Applications:</i>									
Policy development	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__
Planning	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__
Siting and construction	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__
Rulemaking	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__
License and permit issuance	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__
Compliance and enforcement action	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__
Implementation/monitoring agreements	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__	__0__
Other (specify): CERCLA	__2__	__0__	__0__	__1__	__1__	__0__	__0__	__0__	__2__
TOTAL	__2__	__0__	__0__	__1__	__1__	__0__	__0__	__0__	__2__
		(the sum of the Decision Making Forums should equal Total FY 2015 ECCR Cases)							

² An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2015.

³ A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2015. 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 2015 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2015 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 2015 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 2015). 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

The matter involved a Cost Recovery claim, brought in April 2013, by multiple non-Federal parties against the United States under Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") seeking past and future costs related to an environmental cleanup. The cleanup site was located in California and had been cleaned of TCE contamination by the claimants. The claimants included the corporations who incurred costs to clean the site and their insurance companies. Mediation in this case much more difficult given the number of litigants involved. The parties engaged in two failed rounds of mediation over a two year period. Additional discovery and deposition testimony was necessary to understand each parties' argument. Eventually, individual agreements were made between the parties; the final one concluded in August 2015. A senior Federal magistrate judge served as the third-party mediator for both mediations and the court funded the cost.

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

At the start of negotiations, both parties agreed to engage in the process directly, fully, and in good faith while ensuring confidentiality rules were followed. The first round of mediation failed and the parties were at an impasse. The magistrate judge, acting as the third-party mediator, recommended the parties continue discovery in order to gather additional facts; better understand the other parties' argument, and reevaluate their own positions. The additional discovery proved to be invaluable because it enabled the parties to reassess their litigation risk and eventually brought them back to the table to continue mediation. During the third round of mediation, the parties presented their arguments in writing followed by oral presentations to the magistrate judge. The magistrate then provided her opinion on what she thought would be an equitable resolution. Her opinion became the framework for the final settlement agreements.

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

This case would likely have gone to trial without the use of ECCR. ECCR benefited the Army by avoiding the substantial time and costs associated with discovery, trial preparation and conduct of a trial.

Reflections on the lessons learned from the use of ECCR

In cases involving multiple claimants, an effective way to expedite resolution of the case is to focus efforts on parties more amenable to settlement. An agreement with one party establishes the parameters for a fair allocation of liability and motivates the other claimants to settle. This was an effective negotiation tool used by the United States in this case.

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

In another matter, the Army, private parties and the state regulators are using a facilitator to assist the parties as they work through the proposed remedial action plan, the settlement of a natural resource damage claim and the allocation of costs to conduct the remedial action. The facilitator guides open discussions between the regulators and the parties which has helped the parties maintain a productive working relationship and narrow the issues in dispute.

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.

The Army ELD's main focus in litigation and non-litigation matters is dispute avoidance through open communication with stakeholders and through partnering or the use of other negotiation processes. This allows the Army to minimize the number of issues that need formal dispute resolution.

CERCLA litigation. The Army ELD's priority is to always utilize ECCR to resolve matters both before litigation ensues and after suit is filed. This becomes a priority in CERCLA litigation involving multiple parties with varying interests. The use of ECCR enables the parties to narrow the issues and address only those in dispute. Litigation in CERCLA cases can take years to resolve and an inconceivable amount of man hours to complete. In most CERCLA cases, ECCR has avoided litigation and reduced or eliminated extensive discovery and other costs of litigation.

Non-third-party-assisted ECCR. The Army ELD's main priority is to resolve all

conflicts through collaboration, tiered partnering, consultation, public meetings, and negotiated agreements with dispute resolution provisions. Below are examples of Army activities in which non-third-party-assisted ECCR is a priority in 2015.

- NEPA early project and proposal development
- Cooperative Agreements for the development of renewable energy, prescribed burning, habitat preservation, emergency management
- Compatible land use and encroachment projects involving Army training activities, transportation, airfield activities, conservation easements, road and land development and construction
- Partnering for installation restoration and regional sustainability
- Strategic Planning Forums

Army Emerging ECCR Areas of Conflict.

- Army installations are continuing to invest in increasing public engagement and collaboration on a regional level to open communication and eliminate the occurrence of conflict with the stakeholders. These collaboration principles use an interest based approach to conflict resolution without the need to use a third-party-neutral.
- Dispute Resolution provisions in Federal Facility Agreements are being considered to resolve a rising number of issues with regulators regarding installation operations.

7. Non-Third-Party-assisted Collaboration Processes: Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2015 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.*

Below are areas where the Army used non-third-party-assisted collaboration in 2015.

1. ELSs, on behalf of the Army routinely negotiate the inclusion of dispute resolution provisions in all its Federal Facilities Agreements, environmental annexes of direct sales partnering agreements with private industry, and interagency service agreements with Federal tenant activities. The inclusion of dispute resolution provisions forces parties to implement ECCR before a matter is litigated. For example, Fort Belvoir negotiated two consent agreements with USEPA Region III that contained dispute resolution provisions that have not been invoked, but are available should any disputes arise.

2. The Army encourages, and in some instances requires, the development and implementation of environmental sustainment and stewardship programs and plans. These programs and plans ensure Army installations and agencies are in compliance

with environmental laws, regulations and Executive Orders.

3. Partnering has been utilized in the CERCLA process. For example, the use of partnering with a state regulator to resolve issues regarding a hazardous waste notice of violation, resulted in a favorable outcome at Fort Jackson. Anniston Army Depot continues to use the partnering approach to resolve matters where Tier 1 meetings have been very productive in raising and discussing issues to resolution without the need for a third-party neutral. Fort Rucker has also utilized tier groups that meet quarterly to discuss issues and avoid conflicts.

4. The Army encourages participation in community outreach via town hall meetings and other public forums. For example, Fort Jackson, in conjunction with the Army Environmental Command, has continued its community outreach, via town hall meetings and a website, to address the discovery and initial investigation of munitions constituents located off operational ranges and the installation. This action has resulted in positive responses from affected residents and land owners.

5. The Army ELSs utilize collaboration to develop its Army Compatible Use Buffer and Joint Land Use Study programs. For example, Fort Carson is actively implementing the Army Compatible Use Buffer Zone program and have continued coordination with the Nature Conservancy and El Paso County to obtain numerous conservation easements in sensitive areas surrounding the installation.

6. Leadership engagement also facilitates our land use management and planning initiatives. For example, Fort Carson maintains strong leadership presence in two different outreach groups, a regional sustainability group and a Southern Colorado Working Group, wherein the Army hosts and gives presentations to the stakeholders on various issues of concern.

7. The Army ELSs use collaboration in its NEPA planning process. For example, Fort Belvoir's used collaboration during a NEPA process for the Founders Hall proposed action (part of the National Museum of the United States Army project) that involved a very wide range of community and environmental stakeholders throughout development of the environmental assessment. These open communications have resulted in no conflicts arising to date. Fort Jackson engaged in consultations with Federally recognized Indian Tribes to maintain a collaborative relationship and avoid future disputes. Fort Carson continues to use the regional sustainability working group and the Southern Colorado Working Group for collaboration and the establishment of long term relationships in the community. At these meetings the Army personnel engaged in active dialogue with the community on Army activities and the need for community engagement on various projects related to environmental stewardship.

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.

None.

Please attach any additional information as warranted.

Report due February 15, 2016.

Submit report electronically to: ECRReports@omb.eop.gov

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

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