

FY 2018 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.”

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

This annual report format below is provided in accordance with the memo for activities in FY 2018.

The report deadline is February 22, 2019.

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 2018 report, along with previous reports, will establish a useful baseline for your department or agency. 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 2018 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 18 ECCR Report Template

Name of Department/Agency responding:	<u>The Department of the Interior</u>
Name and Title/Position of person responding:	<u>William Hall, Director</u>
Division/Office of person responding:	Office of Collaborative Action and Dispute Resolution (CADR)
Contact information (phone/email):	(703) 235-3791 <u>william_e_hall@ios.doi.gov</u>
Date this report is being submitted:	<u>April 12, 2019</u>
Name of ECR Forum Representative	<u>William Hall, Sarah Palmer</u>

- 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 2018, including progress made since FY 2017. 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 provide programmatic/institutional capacity to encourage the broadest possible appropriate and effective use of ECCR processes. Within DOI the directives in the OBM/CEQ Memorandum on ECCR are operationalized through the following structures:

- The Office of Collaborative Action and Dispute Resolution (CADR) in the Office of the Secretary, which serves as an impartial source of collaborative problem solving and alternative dispute resolution (ADR) expertise and services. Established in 2001, CADR supports all Bureaus and Offices for both ECCR and workplace matters. CADR oversees implementation of the Administrative Dispute Resolution Act of 1996, other relevant laws, regulations, directives and guidance, and the Department's policy on the use of collaborative processes and problem-solving, ADR, ECCR, consensus-building, and related training. CADR provides Departmental decision-makers with analysis and

advice about when to use ECCR and how the Department can effectively engage its stakeholders. Moreover, CADR is strategically positioned within the Department to help address inter-Bureau natural resource, cultural resource, and land management issues, as well as to assist individual Bureaus and Offices in reaching unified decisions.

- The Interior Dispute Resolution Council (IDRC) and the Bureau Dispute Resolution Specialist (BDRS) positions. The IDRC, comprised of designated BDRSs from each Bureau, is the lead partner in ensuring a coordinated effort to integrate effective conflict management practices and collaborative problem solving as routine business practices throughout DOI.
- The Bureau of Land Management CADR Office resides within the Washington Office Resources and Planning Directorate; Division of Decision Support, Planning and NEPA. Established in 1997 (as the Natural Resource Alternative Dispute Resolution program), BLM CADR provides leadership, guidance, and assistance in collaborative implementation of the BLM's mission "to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations."

Collectively, there are 13 FTEs in DOI (Office of the Secretary and BLM) supporting ECCR services and programs. Collateral duty BDRSs carry out ECCR-related responsibilities in many of the other DOI Bureaus, such as the Bureau of Reclamation, Fish and Wildlife Service, National Park Service, and an additional 15 collateral duty CADR coordinators work in the BLM state or center offices to provide ECCR support, guidance, and capacity building to BLM employees and stakeholders in the field and district offices.

The missions of DOI Bureaus/Offices drive the use of ECCR. For example, the mission of the Office of Natural Resources Revenue (ONRR) is to collect, account for, and verify natural resource and energy revenues due to states, American Indians, and the U.S. Treasury. ONRR has a process and a program for using ECCR to address royalty compliance issues.

Capacity and Programmatic Support

CADR staff, IDRC members, and BLM-CADR work collectively to build awareness and capacity to use ECCR at all levels of DOI to build organizational capacity so that DOI's employees can:

- Recognize and manage conflict early,
- 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
- Utilize conflict resolution tools whenever possible to achieve goals without unnecessary delays and costs.

Examples of coordinated capacity-building efforts during FY 2018 included, among other things:

1. Providing consultation services to individuals, offices, teams, and Bureaus on ECCR including education and support for DOI managers on when and how to work with a third-party neutral and education and support for external third-party neutrals about DOI and Bureau organizational structures, culture, and coordination needs;

2. Providing leadership education and training as well as basic public participation, collaboration, conflict management, ECCR, and negotiation skills training for managers and employees throughout DOI;
3. Assisting parties within and external to DOI in identifying and acquiring timely, skilled third-party neutral services acceptable to all parties to assess prospects for collaboration, and, if appropriate, design and facilitate ECCR processes that are responsive to party needs and mutual interests; and
4. Managing an internal facilitation roster that supports ECCR and other efforts.

CADR staff members represent DOI on several interagency groups and participated in a variety of interagency efforts to build common understanding and jointly advance collaboration and ECCR. Examples include the ECCR forum led by OMB/CEQ.

In FY 2018, CADR convened an ECCR community of practice with representatives from Bureau of Land Management (BLM), Bureau of Ocean Energy Management (BOEM), Bureau of Reclamation (REC), Fish and Wildlife Service (FWS), National Park Service (NPS), and United States Geological Survey (USGS). This group meets monthly and is collaboratively designing and identifying priority actions among the community of practice.

Training remains a 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, good conflict management in the workplace supports good conflict management with external parties and issues. During FY 2018, the CADR office and its cadre of in-house trainers delivered 20 conflict management skills training sessions to 500 employees from all Bureaus and offices in eight geographic regions of the U.S. and online. The foundational course on "Getting to the CORE of Conflict and Communication", 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.

The FY 2018 institutional capacity and programmatic approaches to ECCR among the DOI Bureaus/Offices include:

The **Assistant Secretary-Indian Affairs, including the Bureau of Indian Affairs and Bureau of Indian Education, through its Office of Regulatory Affairs and Collaborative Action (RACA)** has provided numerous training sessions on effective communication and conflict management and has branched out to add training sessions on emotional intelligence and mindfulness. The RACA office provided eight training sessions with a combined attendance of 80 employees on conflict management and working in the collaborative process in FY 2018. The RACA office regularly engages with the 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 FY 2018, the **Bureau of Land Management (BLM) National Training Center (NTC)** supported collaboration and conflict resolution by regularly offered training on these valuable skills. In 2018, 13 classes and webinars including, “Getting to the Core of Conflict and Communication,” “Developing and Maintaining High Performing Teams,” “Collaboration,” “Latino Engagement,” and an overview of the BLM Collaborative Action and Dispute Resolution program were attended by hundreds of BLM staff.

The **Bureau of Ocean Energy Management (BOEM)** uses ECCR to help the Bureau fulfill its mission. The Marine Minerals Program (MMP) relies heavily on the CADR’s contract for ECCR services to secure third-party neutrals in support of outreach meetings with Federal, state, and local stakeholders concerning regional offshore sand management for coastal restoration projects. The BOEM Pacific Region and Headquarters utilize CADR staff and contracted neutrals from the CADR ECCR contract to facilitate tribal consultation, stakeholder outreach, and taskforce meetings.

The **Bureau of Reclamation** makes regular use of ECCR, in four general program areas:

1. Project Operations – aiding in decision making related to water and power releases and operations and maintenance. Examples include the Glen Canyon Adaptive Management Work Group, which guides the operations of Glen Canyon Dam and operations of the Central Valley Project, in coordination with the State Water Project in CA; implementation of the San Joaquin River Restoration Program (SJRRP) including the Reach 4B Eastside Bypass and Mariposa Bypass Low Flow Channel and Structural Improvement Project in California; and the Lewiston Orchards Project in Idaho.
2. Regulatory Compliance - such as the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), and the Endangered Species Act (ESA). Project 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; the San Joaquin River Restoration Program in California; and the Klamath Project ESA Consultation in CA and OR.
3. Value Engineering Program - through the Value Engineering Program, Reclamation facilitates collaborative efforts to review technical designs with an eye toward improving the cost effectiveness of engineering or technical solutions to water and power management issues. They are able to improve the effectiveness and efficiency of a proposed water and/or hydro power projects – either for contractors, customers or the taxpayers of the United States. The program also encourages “outside of the box” thinking to identify design alternatives that may meet needs but which may not have been explored previously. The Navajo Nation – Hogback Canal Contingency Water Supply Study is an example of the important role of the Value Engineering

facilitation in Reclamation.

4. Indian Water Rights –Reclamation uses a facilitated process to avoid litigation and rapidly resolve Indian water rights claims. Some examples include the Aamodt Water rights settlement (New Mexico) and the Value Engineering process for the Utah-Navajo water settlement.

Reclamation also promotes collaboration at the local watershed level through its collaborative WaterSMART's Cooperative Watershed Management Program. This collaborative program encourages watershed groups to engage diverse stakeholders to develop local solutions for their water management needs. The program provides competitive grant funding in two areas:

1. for watershed management group development, watershed restoration planning and watershed management project design, and
2. for cost-shared financial assistance to watershed management groups to implement on-the-ground watershed management projects.

The funding provided through the Cooperative Watershed Management Program helps local stakeholders develop local solutions that will improve water reliability while reducing conflict, addressing complex water issues and stretching limited water supplies.

The **U.S. Fish and Wildlife Service Human Dimensions Branch (FWS-HD)** serves a unique role in assisting FWS units and teams with stakeholder engagement. In 2018 HD Branch began developing an online resource for stakeholder engagement for Service employees. The FWS-HD broadened FWS internal capacity in FY 2018 hosting an IAP2 Public Participation training at the National Conservation Training Center.

The **National Park Service Conservation and Outdoor Recreation Division** includes four collaborative programs – Rivers, Trails, and Conservation Assistance Program (RTCA), National Trails System, National Wild and Scenic Rivers Program (WSR), and Hydropower Recreation Assistance Program.

The RTCA coordinates five communities of practice to help employees interested in recreation, conservation, and community collaboration connect virtually and share lessons learned.

The Conservation and Outdoor Recreation Division supported the DOI Urban initiative and the Urban Waters Federal partnership-- an innovative collaboration between federal agencies and partnerships with communities who are revitalizing rivers and watersheds.

The Conservation and Outdoor Recreation Division also collaborated with the Environmental Protection Agency and Groundwork USA to nurture the network of 21 Groundwork Trusts is an ongoing collaborative effort to build sustainable organizations that build healthy, vibrant communities in areas characterized by contamination, blight, disinvestment, and poverty.

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 tracks investments through the use of the ECCR contract managed by CADR. In FY 2018, DOI Bureaus and Offices invested approximately \$2.9 million in ECCR through the CADR ECCR contract. In FY 2018 there were 66 projects initiated or completed under the CADR ECCR contract with several task orders supporting multiple projects.

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. The CADR office advocates and encourages inclusion of conflict management and collaborative problem-solving performance standards for all DOI employees.

- b) Please report any (a) quantitative or qualitative investments your agency captured during FY 2018; and (b) quantitative or qualitative results (benefits) you have captured during FY 2018.

Investments

The CADR Office's 11 FTEs are dedicated to supporting collaborative problem solving and conflict resolution in DOI, both within the Bureaus and with DOI's external stakeholders. The CADR Office established and implements the ECCR contract available for ECCR needs across the Department. In FY 2018 five CADR staff members assisted Bureaus/Offices in determining their ECCR needs and helped the parties secure contracted neutral services through the CADR ECCR contract. These CADR staff members also allocated a portion of their time providing direct ECCR neutral service to Bureaus/Offices and stakeholders.

Indian Affairs. The Office of Regulatory Affairs and Collaborative Action (RACA) currently has one employee on detail from the Office of the Solicitor to engage in mediations and conflict management. One FTE in the Office is vacant. The Director of RACA is fulfilling collaborative action duties with assistance from the CADR Office. RACA uses contract mediators available through the DOI CADR Office contract; this is especially useful as there is often a need for neutrals in tribal disputes and litigation. Funding was available on an as-needed basis by the RACA Office to assist the Bureau of Indian Affairs (BIA) and Bureau of Indian Education (BIE) to engage in ECCR activities.

The BLM CADR Program has one (currently vacant) full-time program lead position in the Washington Office (WO) and a remotely located field lead. The program lead is responsible for policy, guidance, national program coordination and integration, reporting, and analysis. The program lead serves as the BLM's dispute resolution specialist on the Department of the Interior's Dispute Resolution Council and participates in quarterly interagency forums convened by the Council on Environmental Quality (CEQ). This position has been staffed with

temporary detailees for several years. The remotely located field lead has been in place since May 2016 and functions as the WO CADR program’s land use planning and NEPA liaison with the field. Across the Bureau, there are 14 BLM CADR Coordinators located in each BLM state office, including Eastern States. These collateral duty coordinators serve as the point of contact for the field in each State office and provide input and feedback for national policy and guidance and are responsible to the Associate State Director. In addition, they connect field and district offices to ECCR resources such as the DOI Facilitation roster, the CADR ECCR contract, incentives funding, and training; the CADR coordinators participate in a monthly call to share information and issues and discuss future activities.

The BLM’s National Riparian Service Team (NRST) works directly with local landowners and since 1996 has responded to numerous requests for multi-phase collaboration assistance from a diverse clientele. Although currently focused on riparian and wetland issues related to grazing, this program is applicable to fostering collaborative solutions for any number of resource issues.

Enhanced public engagement through third-party neutrals has been the most universally used tool in the BLM CADR tool box. This is for two primary reasons; 1) As BLM is required through NEPA to do Scoping and often Scoping involves a public meeting, the use of the third-party neutral has added capacity to our Interdisciplinary teams. Overall, if BLM CADR is seen as another thing that an Interdisciplinary Team needs to engage, it is a nonstarter. However, when a third-party neutral is adding both value and capacity – it is a win-win. BLM CADR has been using third-party neutrals in public engagement efforts, in which the situation assessment helps shape the scoping. Then the third-party neutral stays with the team throughout public meeting process and facilitate the Interdisciplinary Team’s decision-making process in such a way that conflict is drastically reduced or eliminated. It does not mean everyone is completely happy with the outcome, but the public seems satisfied they were heard, honored, and their input valued. 2) The quality of the public meetings has improved substantially, improving communication. This approach has led to more positive experiences for both the BLM staff and the public.

Benefits to BLM: *Most of the benefits realized through the use of ECCR, whether through the use of third-party neutrals or unassisted collaborative efforts, are captured qualitatively. These include increased engagement with our stakeholders through the NEPA process, whether through a land use planning effort or a project level environmental review document. Working towards ensuring early engagement through the NEPA process has resulted in opportunities for the public to raise issues early, which reduces the risk for schedule or budget related issues later in the process. Other qualitative benefits include better relationships with our stakeholders, whether through the use of the DOI-CADR ECCR contract or via some unassisted type effort. In addition, the relationships that the BLM builds on through a formal CADR/ECCR process will likely benefit the BLM in some future planning or environmental review effort.*

The **Bureau of Ocean Energy Management** invests resources for ECCR through the CADR ECCR contract.

Benefits to BOEM: As a result of these investments BOEM is able to improve working relationships with stakeholders and further implement the Bureau’s mission.

Bureau of Reclamation. Project costs and what is included or considered as ECCR costs vary widely per project, making it hard to calculate an accurate estimate of the investment that has been made in ECCR. Efforts where we are able to clearly identify the ECCR costs because they are associated with the contracts with facilitators, plus some staff time and travel totaled approximately \$2.4 million in FY 2018.

In FY 2018 Commissioner Brenda Burman announced that 27 entities were selected to receive a total of \$2.6 million to establish or further develop watershed groups in order to address water quantity or quality through Cooperative Watershed Management Program Grants. Of the 27 entities selected, 19 are existing watershed groups and eight are establishing a new watershed group.

Benefits to Reclamation (themes summarized from multiple project reports).

As a result of engaging a third-party neutral:

Parties developed a common understanding and improve the working relationship among the different agency staff and stakeholders.

Parties remain engaged in discussions and negotiations and have not pursued litigation.

Parties, with widely varied interests and beliefs, continue to make progress on technical scientific issues.

Parties have confidence that their needs will be assessed and that their proposed solutions will be valued through the development of content for the meeting agenda and through subject matter to be discussed.

Over the past five years as a result of ECCR, timeframes for National Historical Preservation Act Section 106 consultation have improved and led to completion of Section 106 compliance which has positively affected Reclamation's ability to meet construction schedules. ECCR has resulted in improved relations with tribal parties and other stakeholders.

By using the ECCR principles of "informed commitment," "accountability," and "openness," Reclamation has built trusting relationships with project stakeholders, resulting in timely decision making and a willingness to work through difficult and culturally sensitive issues in a collaborative manner. In addition, all of the joint public outreach and education efforts undertaken by the settlement parties benefit the public by providing opportunities for public input and informed decision making.

Improved coordination and collaboration with stakeholders and interested parties.

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

Tracking cost –benefit data on a DOI-wide basis is difficult due to the decentralized nature of the Department. Although the CADR ECCR contract is a strategic sourcing contract, Bureaus and Offices may expend funds on ECCR using other contract vehicles. 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. Furthermore it is difficult for Bureaus to separate “environmental collaboration and conflict resolution” from regular natural resource management planning. Bureaus routinely practice ECCR principles and methods during other planning and program work, such as Resource Management Plan development and NEPA analysis and document preparation. Most critically, the absence of dedicated funding, the need for a program lead to track information, and competing collateral duties limit many DOI Bureaus in administering cost-benefit assessment instruments. We have found that it is much easier to generate qualitative information regarding the benefits of these processes. Qualitatively, managers may conclude that without the services of a skilled third party neutral, they would not have achieved a successful result. Although subjective, we view these opinions as support for the value of ECCR processes.

3. **ECCR Use:** Describe the level of ECCR use within your department/agency in FY 2018 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 2018 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	__17__	__12__	____	____	__5__	Info sharing	__4__	__17__	__9__	__8__
Planning	__61__	__53__	____	__2__	__6__	Strategic planning	__19__	__60__	__25__	__36__
Siting and construction	__4__	__4__	____	____	____		__1__	__4__	__1__	__3__
Rulemaking	____	____	____	____	____		____	____	____	____
License and permit issuance	__2__	__1__	____	____	1	Info gathering process	____	__2__	__1__	__1__
Compliance and enforcement action	__3__	__3__	____	____	____		__2__	__3__	__1__	__2__
Implementation/monitoring agreements	__12__	__7__	____	__2__	__3__	Improve collaboration	__3__	__11__	__6__	__6__
Other (specify): coordination, internal issues, info sharing_____	__9__	__3__	____	____	__6__	Advisory cmt, coord.	__3__	__9__	__3__	__6__
TOTAL	__108__	__83__	____	__4__	__21__		__32__	__106__	__46__	__62__
(the sum of the Decision Making Forums should equal Total FY 2018 ECCR Cases)										

² An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2018.

³ A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2018. 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 2018 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2018 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 2018 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 2018). Please limit the length to no more than 2 pages.

Results Oriented Grazing for Ecological Resilience (ROGER) Collaborative (NV)

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

Results Oriented Grazing for Ecological Resilience (ROGER) Collaborative (NV), is a rancher led collaborative that formed in 2016. The group is focused on bringing ranchers, state, federal agencies and other stakeholders, together. They work to incentivize innovative approaches for natural resource management, and to provide grazing flexibility, adaptability, and monitoring needed to improve riparian and rangeland health in Nevada. Key goals include sage grouse habitat protection, while supporting sustainable ranching operations. Funding partners are: the National Riparian Service Team (NRST), the BLM, NV office and the USFS, NV. The group is facilitated by an impartial DOI in-house facilitator.

The group focused on five major areas:

- **Outcome-based Grazing:** BLM NV is addressing a backlog of grazing permit renewals. Outcome-based grazing collaboratively designs grazing permits in a way to give flexibility to livestock operators, and to the BLM, to adjust grazing use to achieve specific vegetative, habitat and livestock operation sustainability objectives-and to monitor results.
- **Adaptive Grazing Planning Tools:** Four participating ranchers are working to explore the effectiveness of the Grazing Response Index, used for meeting rangeland health objectives.
- **Remote Sensing, Threat-Based Modeling and Vegetation Mapping:** This effort is focused on developing rangeland health and sage grouse habitat assessments, and monitoring and conservation planning tools. The intent is to: (1) develop a spatially explicit map for the Great Basin that incorporates Ecological Site Descriptions (ESDs), State and Transition Models (STMs), Disturbance Response Groups (DRGs), sage grouse habitat objectives, and remote sensing tools; and then to (2) test the use and effectiveness of this product as a tool (spatially explicit map) for conservation planning and monitoring results of outcome-based grazing actions in conserving and improving sage grouse habitat and rangeland health objectives on-the-ground.
- **Fire and Invasives:** This committee works on using grazing and seed mixes, post fire, to reduce the expansion of cheatgrass, which increases fire risk. Two ranchers are using innovative approaches to reduce fire risk. These techniques stopped wildfire in 2018.

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

Relationships and interactions between the BLM and various federal and state agencies, ranchers, local communities and other stakeholders in Nevada have historically been characterized by high conflict and low trust. To change this, ROGER serves as a facilitated dialogue process that directly involves various parties in landscape-scale collaborative problem solving and conflict resolution.

The success of this collaborative effort happens by working together toward common outcomes. Key to this success is having the right people representing key interests and parties in the room. The development of trust and relationships cannot be overvalued -- it takes time, patience, commitment, leadership and honesty. For a large-scale conservation collaborative to have any chance, there has to be participation at the local levels, where all actions will be implemented. A local champion with a strong commitment to the greater purpose is essential.

For federal land management or regulatory issues, policies need to support, or promote the effort needed for a successful collaboration. ROGER has had success in both of these areas.

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

Because of this collaborative effort, a new and successful approach was implemented for managing rangeland considering: sage grouse habitat management, fire and invasives management, and maintaining healthy rangelands.

The collaborative work to fight fire and invasive species also yielded an innovative Emergency Stabilization and Rehabilitation Plan after the 440,000 acre Martin Fire, which burned through prime sage grouse habitat. That plan used greenstrips as fuel breaks, and mitigation against cheatgrass invasion. Targeted grazing in post-burned areas was also used to reduce fire vulnerability and cheatgrass, and improve native seedling success. An Environmental Assessment was also developed using these methods to fight cheatgrass spread and to help the success of native plants.

Reflections on the lessons learned from the use of ECCR

ECCR provides innovative solutions for complicated challenges. It brings about original and successful management practices, and creates new partnerships to accomplish agency goals.

ECCR requires commitment for success. But usually, the effort expended for ECCR is outweighed by the benefits and the solutions that would not be realized without using collaboration and conflict resolution techniques.

Case Example 2

Social Science Integration in FWS Conservation Efforts

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

There is growing recognition within the U.S. Fish and Wildlife Service (Service) that incorporating the social sciences into our work can improve conservation outcomes. Despite this recognition, significant obstacles still exist to achieving social science integration across the Service. To help overcome these obstacles, the Human Dimensions branch retained the services of a third-party neutral to help design and facilitate a strategic planning process focused on social science integration within the Service, culminating in a workshop planned for May 2019. The timeline for the neutral's assistance is 2017-2019, and the effort was funded through allocated and base funds from the Service.

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

Integrating the social sciences into the work of the Service will require substantial organizational change. The Service turned to CADR to help identify expertise in organizational theory and change. This expertise will help us help design and implement an effective social science integration process. While not a traditional example of ECCR with a third-party neutral, our strategic planning work fits into the category of "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 neutral brings both an outside perspective and substantial expertise in organizational change and strategic planning, which have informed the planning process for mainstreaming social science within the agency.

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

CADR assisted our branch by connecting us with a qualified third-party neutral who can help us realize our strategic vision. Bringing in an outside expert in facilitation and organizational change has also helped us keep the process moving forward amidst busy schedules. Because this endeavor involves long-term change across a complex bureaucracy, utilizing an expert in organizational theory and strategic planning has allowed us to map out our future work to create commitment, energy and understanding.

Reflections on the lessons learned from the use of ECCR

The inclusion of an expert perspective on organizational theory and change has helped us envision and design a process for making substantial changes across a large and complex government agency. The neutral has helped us think about who needs to be involved in the process, at what times, and in what capacity to achieve an effective workshop on social science integration. This workshop will serve as the springboard for longer-term work on social science integration across the Service for years to come.

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

BLM

▪ **Harney County Wildfire Collaborative (OR):** Formed in 2014, local and federal organizations joined together to develop more effective fire suppression and post-burn restoration practices. When the group formed, there were strained relationships between federal agencies and local Rangeland Fire Protection Associations (RFPAs), the first responders to rangeland fires.

The collaborative successfully shared fire suppression knowledge and current conditions of their area. This partnership and the resulting positive relationships enabled federal, state and RFPA resources to work as a cohesive firefighting resource. It has been recognized in Oregon as a significant achievement. The group continues to engage and monitor fire suppression strategies and agrees that suppression is only part of the solution. Prevention is key. Collaboration is done through a Coordinating Committee, 10 face-to-face meetings and phone conferences. Partners constantly share information through email and phone calls. A facilitator acts as a neutral third party, since there are strong opinions about fire management.

▪ **Collaboration to solve caribou conflicts (AK):** A partnership between Native Alaskans, guides and transporters within the Squirrel River Special Recreation Management Area in northwestern Alaska works to solve conflicts over caribou. Conflict has been ongoing since 2008. In northwest Alaskan villages closest to the Special Recreation Management Area, an external ECCR facilitated scoping meetings, meetings with community leaders and interviews with various interested parties. The third party neutral also facilitated alternatives development workshops. The effort produced a situational analysis report which informs the Recreation Management Area Plan for the area.

▪ **Berryessa Snow Mountain National Monument Recreation, Volunteerism and Stewardship Workshops (CA):** An external facilitator was hired through BLM's Collaboration and Dispute Resolution program to conduct interviews with agency staff and 18 partners active with the national monument. Participants provided solutions for planning efforts, working with private landowners, development projects and infrastructure maintenance. Significant recommendations, to be implemented, were

provided.

- **Northwest California Integrated Resource Management Plan (CA):** A third party neutral was used for facilitation during Resource Management Plan alternatives development with Cooperating Agencies.
- **Development of Resource Management Plan (RMP) San Pedro Riparian National Conservation Area (AZ):** A facilitator was used to help manage controversy over livestock grazing during RMP development. The facilitator was funded through the BLM. While there was conflict in the discussions, facilitation enabled productive conversation.
- **Jordan Meadows Allotment Collaborative (NV):** formed in 2016, this partnership includes BLM, permittees, state and federal agencies and others. The group develops systems for grazing on BLM lands, that also protect Lahontan Cutthroat Trout (a threatened species), and sage grouse habitat, while allowing for economically viable ranching. A facilitator was funded by the National Riparian Service Team and the BLM NV office. The conflict resolution work has helped management of the historically contentious and litigious area. The group meets three times a year to collectively manage the allotment and keep communication fruitful.
- **Nevada Collaborative Conservation Network (NV):** A statewide group of 15 local, state, federal and non-profit organizations meet regularly to build relationships, share information and plan future work with conservation efforts.

USFWS

- **Developing an evaluation plan for monarch butterfly conservation.** The Service is using a third party neutral to build agency capacity in using adaptive management (open standards for the practice of conservation) in order to evaluate objectives against indicators for monarch butterfly conservation. The goal is to develop a systematic evaluation for conservation actions and outcomes.

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.

At a programmatic level a key priority for the DOI CADR Office is implementing process evaluation tools and building a foundation of lessons learned and practice improvements that can be integrated across DOI ECCR processes as appropriate. In FY 2019, we will build on existing efforts within CADR and in the broader federal ECCR community to implement a system to evaluate CADR's contracted and direct services.

Across the Departmental Bureaus and Offices the most common uses of ECCR are in resource management planning activities such as NEPA scoping processes for BLM units; and implementation of Reclamation projects such as the Glen Canyon Adaptive Management Work Group. Additionally, Reclamation made use of ECCR to assist with Endangered Species Act (ESA) compliance. Other priority areas in FY 2018 included facilitation of multi-stakeholder task forces / work groups related to oil and gas decommissioning, offshore wind leasing led by BOEM and across all bureaus activities related to government to government consultation as well as compliance with Section 106 of the National Historic Preservation Act.

7. Non-Third-Party-assisted Collaboration Processes: Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2018 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.*

For many of the land management Bureaus and Offices in DOI, collaboration with stakeholders and other Bureaus or Federal agencies without the use of a third-party neutral is a common occurrence. Below are selected examples from the Bureaus and Offices.

Bureau of Land Management (BLM)

- **Marysville Landscape Restoration Project (MT):** This restoration project involved a significant amount of collaboration. Local, state, tribal and federal agencies came together to develop a Wildland-Urban Interface Communities-At-Risk-Hazard-Assessment (2004). Facilitation was used for public participation, developing actions and goals. Public comments and interviews with local officials were used for developing fire prevention plans. The group agreed on solutions to: funding, firefighter staffing workload, mutual aid system and mitigation efforts. Cost sharing for mitigation efforts was also negotiated. More than 200 mitigation actions were done on private land. A Fire Hazard Risk Map was also created for the area.
- **Nevada Economic Assessment Project (NV):** This was a 2018 statewide initiative with the BLM, USFS, Nevada Association of Counties and the University of Nevada, Cooperative Extension. Originally economic information was needed to inform grazing permit renewals and other approvals that would affect local social and economic conditions. This collaborative project provides data for project, planning and policy use. The information can be used for all National Environmental Policy Act documents being developed for the BLM and USFS.
- **Agricultural Partners Outreach, Pinedale Field Office (WY):** The first outreach of its kind by BLM in the area, was held in March of 2018. The meeting was to strengthen working relationships and improve the understanding of doing business between the BLM and these longtime partners. Several agricultural operators, who hadn't been engaged before, attended, with 30 ranchers attending. The group exchanged ideas for working on travel management planning, grazing administration, NEPA planning and data collection methods for environmental documents. Because of the success of the meeting, a local legislator suggested having two such gatherings a year. Staff plan to continue the meetings annually.
- **Tribal collaboration with High Plains District (WY):** The district held a series of meetings involving Tribal Historic Preservation Officers, tribal council members, landowners, state legislators and industry representatives to discuss issues connected with National Historic Preservation Act Section 106 compliance, tribal consultation and oil and gas development in the Power River Basin of Wyoming. Meetings were held at tribal council headquarters and other towns to increase the participation of interested parties. The meetings helped open communication between the participating parties.
- **Chain Lake Coordination Group, Rawlins (WY):** Federal, state and industry representatives meet to resolve drilling pad location impacts in a special wildlife management unit area. Meetings began in 2018 and continue monthly. A larger annual meeting is also planned for 2019. The collaboration has reduced development impacts in this sensitive area.
- **Ongoing project collaboration, Kemmerer (WY):** As many field offices do as a regular part

of doing business, there is collaboration with tribal representatives concerning mineral lease sale sites. There is collaboration for weed control with private companies, state and other federal agencies. The Cumberland Allotment Coordination Resource Management Plan, created 20 years ago, brings together private landowners, permittees and surface management agencies to address rangeland management. With fence installation and proper field rotation rangelands are recovering.

▪ **Idaho BLM CADR:** Collaborative practices are used proactively with interested parties; the public, interest groups, other agencies, tribes and local governments, to minimize conflict before it becomes a major issue. Collaboration is used regularly with project proposals, NEPA analysis decision making and permit issuance. Current challenges include some interest groups that seem to prefer litigation rather than early collaboration.

National Park Service, Rivers, Trails, and Conservation Assistance Program (NPS-RTCA)

The RTCA supports community-led natural resource conservation and outdoor recreation projects across the nation. Our national network of conservation and recreation planning professionals partners with community groups, nonprofits, tribes, and state and local governments to design trails and parks, conserve and improve access to rivers, protect special places, and create recreation opportunities.

Office of Surface Mining Reclamation (OSMRE)

In FY 2018, OSMRE's Western Region continued to implement robust and comprehensive public participation procedures when conducting environmental analysis for coal mining permitting decisions including but not limited to hosting open house public meetings and publishing public announcements soliciting comments and objections on proposed permitting actions.

Additionally, in support of OSMRE's mission, the Western Region hosted recurring scheduled meetings with state, tribal, and federal land and resource management agencies to discuss coal resource management initiatives including but not limited to leasing, permitting, inspection and enforcement, rulemaking, technical assistance, and training.

To ensure the participation of tribal members in the Southwest, OSMRE ensures that notification of all permitting actions and the opportunity to comment is done using radio announcements in either the Navajo or Hopi language. In addition, during all public meetings OSMRE ensures that the meetings are held in locations easily accessible to tribal members and that Navajo and Hopi translators are available to ensure that all questions from the public are understood and can be answered and that any comments the public may have are entered into the record.

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.

A strong interest exists among the DOI reporting Bureaus and Offices to learn how the annual report is used and useful to OMB and CEQ as well as others. Within CADR knowledge of the aggregate ECCR project numbers is important for identifying trends and sharing this information back to the Bureaus and Offices in order to assist with their projections of future ECCR resource needs.

An ongoing challenge in preparing the annual report is limited staff time within the Bureaus to provide responses to the questions in the template and staff time to review and consolidate responses from the field and regional offices into a single Bureau response.

CADR is looking at different approaches to communicate the value and benefits of ECCR as experienced by the Bureaus and Offices and de-emphasizing the data-call aspect of the annual report. Solutions to these challenges rest in part with reconsidering the annual report template but more importantly in conveying how the information is used and useful.

Please attach any additional information as warranted.

Report due February 22, 2019.

Submit report electronically to: owen@udall.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