

FY 2019 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 reporting template is provided in accordance with the memo for activities in FY 2019.

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

The report deadline is February 21, 2020.

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 FY 2019 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 2019 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: <https://udall.gov/OurPrograms/Institute/ECCRReport.aspx>

FY 19 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:	<u>Office of Collaborative Action and Dispute Resolution (CADR)</u>
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Date this report is being submitted:	<u>February 21, 2020</u>
Name of ECCR Forum Representative	<u>William Hall, Sarah Palmer</u>

1. ECCR Capacity Building Progress

- a) Describe any **NEW, CHANGED, or ACTIVELY ONGOING** steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2019, including progress made since FY 2018. Please also include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases, including any efforts to provide institutional support for non-assisted collaboration efforts. Please refer to your agency's FY2018 report to only include new, changed or actively ongoing ECCR capacity building progress. **If none, leave this section blank.**

(Please refer to the mechanisms and strategies presented in Section 5 and attachment C of the [OMB-CEQ ECCR Policy Memo](#) for additional guidance on what to include here.

Examples include but are not restricted to efforts to

- integrate ECCR objectives into agency mission statements, Government Performance and Results Act goals, and strategic planning;
- assure that your agency's infrastructure supports ECCR;
- 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 independent, 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 Bureau of Land Management CADR Program resides within the Headquarters 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, and internal collaboration and conflict management activities that build capacity for employees’ engagement with the public. Collateral duty Bureau Dispute Resolution Specialists (BDRS) 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 33 collateral duty BLM-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 when they arise.

Programmatic Support

CADR staff, BDR Specialists, and BLM-CADR work collectively to support Bureau and Office missions at all levels through education about using ECCR 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 programmatic capacity-building efforts during FY 2019 included, among other things:

1. Providing consultation services to individuals, offices, teams, and Bureaus on appropriate use of ECCR by assessing the prospects for collaboration, and, if appropriate, designing and facilitating ECCR processes that are responsive to party needs and mutual interests;
2. Education and support of 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;
3. 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 (see response in #2 below);
4. Assisting parties within and external to DOI in identifying and acquiring timely, skilled third-party neutral services acceptable to all parties; and
 5. Managing an internal facilitation roster that supports ECCR and other ADR efforts.

CADR staff members regularly 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 and the Interagency ADR Working Group.

In FY 2019, CADR continued its work convening 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 collaboratively developed a white paper describing the use of ECCR in DOI including priority actions for the community of practice.

The FY 2019 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)** engages the CADR Office to advise parties who have matters on appeal before the Board of Indian Appeals, who are seeking alternatives to traditional dispute resolution processes.

The **Bureau of Land Management (BLM)** regularly makes use of the CADR ECCR contract to support public engagement and collaborative efforts initiated by BLM State, Field and District Offices and programs.

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; operations of the Central Valley Project, in coordination with the State Water Project in California; implementation of the San Joaquin River Restoration Program (SJRRP); 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; 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. As a result, the Program is 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.
4. Indian Water Rights –Reclamation uses a facilitated process to avoid litigation and rapidly resolve Indian water rights claims.

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. The Human Dimensions Branch examines the complex relationships between people and the wildlife and habitats the FWS Refuge System protects. This enables decision-makers to consider social systems in conservation planning, design and implementation. Both biological and social sciences should inform landscape-scale management of wildlife and their habitats. Building a connected conservation community ensures continued protection of wildlife resources for the American people. The [U.S. Fish and Wildlife Service Human Dimensions Resource Portal](#) is a place to put Human Dimensions tools into the hands of practitioners by centralizing resources, promoting shared learning, fostering cross-agency collaboration, and creating a community of practice.

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 Cooperative Ecosystem Studies Units (CESU) Network is a national consortium of Federal agencies, Tribes, academic institutions, State and local governments, nongovernmental conservation organizations, and other partners working together to support informed public trust resource stewardship. The CESU Network is a key partner with the **BIA, BLM, BOEM, FWS, NPS, Reclamation and USGS**, and includes more than [450 non-Federal partners](#) and [16 Federal agencies](#) across [seventeen CESUs](#) representing biogeographic regions encompassing all 50 States and U.S. territories.

The CESU Network is well positioned as a platform to support research, technical assistance, education and capacity building that is responsive to long-standing and contemporary science and resource management priorities. The seventeen CESUs bring together scientists, resource managers, students, and other conservation professionals, drawing upon expertise from across the biological, physical, social, cultural, and engineering disciplines (from [Anthropology](#) to [Zoology](#)) to conduct collaborative and interdisciplinary applied projects that address natural and cultural heritage resource issues at multiple scales and in an ecosystem context. Each CESU is structured as a working collaborative with participation from numerous Federal and non-Federal institutional partners. CESUs are based at host universities and focused on a particular biogeographic region of the country.

The **BLM, FWS, NPS, and Reclamation** each actively engage in [22 individual, self-directed partnerships — Landscape Conservation Cooperatives \(LCCs\)](#) across the North American continent, Pacific Islands, and the Caribbean. Each LCC is governed by a voluntary steering committee with members typically representing conservation and resource management partners from a wide variety of Federal, State, territorial and international agencies; Tribal and other indigenous governments, non-governmental organizations and others located within the LCC geographic region. Each LCC also has a staff Coordinator and Science Coordinator. The 22 LCCs collectively and their active members represent the “LCC Network”. The LCC Network’s purpose is to harness the capacities and abilities of the LCCs in support of common conservation outcomes and serve as a strategic forum for collegial collaboration, coordination and integration. At the national level, there is an LCC Network Coordinator and Assistant Coordinator as well as communications, budget, grant and other support staff. The LCC Network office is located in the headquarters of FWS.

In FY 2019, the two appeals boards in the **Office of Hearings and Appeals (OHA)** developed guidelines for identifying cases on their dockets that were good candidates for the use of ADR processes. The Interior Board of Indian Appeals (IBIA) continues to use language in its docketing orders encouraging the use of ADR. At the end of FY 2019, the appeals boards began to discuss changing their operating regulations to include specific language regarding the use of ADR. Planning to include these changes will be continued in FY 2020.

- b) Please describe the trainings given in your department/agency in FY 19. Please include a list of the trainings if possible. If known, provide the course names and if possible, the total number of people trained. Please refer to your agency's FY2019 report to include only trainings given in F 2019. **If none, leave this section blank.**

Training is 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 2019, the CADR office and its cadre of in-house trainers delivered 39 training sessions of its foundational course "Getting to the CORE of Conflict and Communication" to 1100 employees from all Bureaus and offices in eight geographic regions of the U.S. and online. The course is 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 CADR team co-convened with the BLM-CADR program a webinar on the use of situation and conflict assessments for approximately 22 BLM and OHA employees to increase their knowledge in the appropriate application of a conflict/situation assessment in ECCR. CADR team members also delivered five sessions of "Facilitating Dynamic Meetings for Effective Results" to 84 employees in BLM, IBC, FWS, NPS, and USGS.

Many Bureaus also focus time and energy in building employee capacity for ECCR. Below are some examples:

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)** provided six training two-day sessions on "Compassionate Leadership and Coaching" and "Mindfulness Based Emotional Intelligence," reaching 90 employees in FY 2019.

The **NPS Stewardship Institute** developed and hosted a four-day training and facilitated workshop on trauma awareness and restorative justice in December 2018. The training and workshop was designed to bring professionals and academics from the fields of restorative justice, truth and reconciliation, and related practices together with key NPS Northeast Regional Office staff, Employee Resource Group representatives, and other NPS practitioners that have a demonstrated commitment to supporting the organization's culture change. The goals of the week were to develop a common language and principles/lenses for applying restorative justice in NPS; identify specific tools/practices/ideas that people can use in addressing historical harms and emergent harms and in changing culture in the NPS; learn from expert practitioners in the fields of restorative justice, trauma awareness and resilience, truth and reconciliation, and organizational anthropology; and consider how knowledge from these fields can assist the

Northeast Region of the NPS in addressing cultural challenges.

The Institute also developed and implemented a one-day training on trauma awareness and restorative justice as part of the weeklong NER/NCR superintendent training in June 2019. The goals of the training were for superintendents to develop a basic understanding harms and how they impact individuals, teams, and work environments, develop a working understanding of tools and approaches that could be used to build stronger, more resilient work environments, and for superintendents to become familiar with the resources available to them and their staff to begin to explore ways to address harm in parks. This training was a collaborative effort between the Institute, CADR, Employee Wellness, the Office of Relevancy, Diversity, and Inclusion, and several of the superintendents that participated in the December workshop.

The NPS Stewardship Institute conducted several facilitation training sessions in FY 2019. In November 2018, the Institute delivered two *Introduction to Facilitation* trainings for the Outer Banks group of national parks. The training introduced the role of the facilitator and gave participants hands on experience using facilitation tools and techniques to ensure productive and effective meetings and collaborative efforts.

In March 2019, the Institute conducted a five day *Mastering the Art of Facilitation* workshop at the Seattle Area National Parks headquarters. Participants from across the PWR and the Service got hands on experience using facilitation tools and techniques to ensure meeting and collaborative efforts are inclusive, address the needs of various participants, and allow for a diversity of opinions and solutions to be explored. Participants learned about concepts such as cultural competency and getting to know your meeting participants, addressing bias in dialogue, and how to handle conflict, disagreement, and hostility in meetings.

In FY 2019, the **Bureau of Land Management (BLM) National Training Center (NTC)** supported collaboration and conflict resolution by regularly offered training on these valuable skills. Course offerings include: “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.

2. ECCR Investments and Benefits

- c) Please describe any **NEW or CHANGED or INNOVATIVE** investments made in ECCR in FY2019. Examples of investments may include ECCR programmatic FTEs, dedicated ECCR budgets, funds spent on contracts to support ECCR cases and programs, etc.

Please refer to your agency’s FY2018 report to only include new, changed, or innovative investments made in ECCR. **If none, leave this section blank.**

The CADR Office’s 12 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, which is available for ECCR needs across the Department. In FY 2019 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.

The Department tracks investments through the use of the ECCR contract managed by CADR. In FY 2019, DOI Bureaus and Offices invested approximately \$3.9 million in ECCR through the CADR ECCR contract. In FY 2019 there were 95 projects initiated or completed under the CADR ECCR

contract with several task orders supporting multiple projects.

Bureau specific investments include:

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 and participates in the ECCR quarterly forums. 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 33 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.

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. **Reclamation's WaterSMART grants** provide cost-shared funding on a competitive basis to non-Federal partners in the implementation of water and energy conservation and efficiency projects. Since 2010, Reclamation has allocated more than \$135 million in competitively awarded grants to implement more than \$395 million in water management improvements through 243 projects in 15 western States. This funding has been provided to non-Federal partners including tribes, water districts and municipalities.

- d) Please describe any **NEW or CHANGED or INNOVATIVE** benefits realized when using ECCR.

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.

Please refer to your agency's previous report to only include new or innovative methodology to identify ECCR investments and benefits. **If none, leave this section blank.**

Across the Department of the Interior on any given day over 100 third-party neutrals assist Bureaus and Offices in fulfilling key policy initiatives related to their missions through ECCR. The benefits are captured through qualitative means as described in the examples below.

Benefits to BLM

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 under 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. 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 a situation assessment helps shape the Scoping. Then the third-party neutral stays with the team throughout public meeting process and facilitates 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 BOEM

As a result of BOEM's investments through the CADR ECCR contract, BOEM is able to improve working relationships with stakeholders and further implement the Bureau's mission.

Benefits to Reclamation

Reclamation has identified the following results of engaging a third-party neutral:

- Parties developed a common understanding and improve the working relationship among the different agency staff and stakeholders.
- Over the past five years as a result of ECCR, timeframes for National Historic 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.

The **Office of Hearings and Appeals (OHA)**, Director's Office Ad Hoc Board of Appeals identified seven cases in FY 2019 that were candidates for ADR. Two of these cases were resolved, settled, and dismissed, with one of the Ad Hoc Board members serving as a neutral third party. An additional case (not in the original seven and based on a different type of dispute) was settled when the parties to the matter informed the Ad Hoc Board of their intent to enter into settlement discussions and they were able to resolve the matter on their own. In three cases before the Interior Board of Indian Appeals (IBIA) in FY 2019, the IBIA issued specific directives or referrals to parties to consider using ADR. Of these three cases, one was withdrawn, one did not resolve, and the third remains stayed on the Board's docket while the parties continue settlement discussions. Additionally, on the request of parties, three cases engaged in settlement discussions and were ultimately settled and dismissed in FY 2019.

3. ECCR Use

Describe the level of ECCR use within your department/agency in FY 2019 by completing the three tables 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 2019 ECCR Projects/Cases ²	Decision making forum that was addressing the issues when ECCR was initiated:			
		Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)
<i>Context for ECCR Applications:</i>					
Policy development	16	12			4 (intergov forum, info sharing, Tribal engagement)
Planning	92	84		2	6 (coordination with State, other stakeholders, strategic planning)
Siting and construction	3	3			
Rulemaking					
License and permit issuance	3	2			1 (information sharing)
Compliance and enforcement action	4	2	2		
Implementation/monitoring agreements	10	6		2	2 (agreement btwn NGOs and agency)
Other (specify): info sharing, S.106 programmatic agreement, ISDA contract dispute, exploring opps for collaboration	8	2	1		5 (info sharing)
TOTAL	136	111	3	4	18
		(the sum of the Decision Making Forums should equal Total FY 2019 ECCR Cases)			

² An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2019.

<i>Context for ECCR Applications:</i>	Interagency ECCR Cases and Projects	
	Other Federal Agencies Only	Including non Federal participants (includes States, Tribes, and non governmental)
Policy development		7
Planning	4	48
Siting and construction		3
Rulemaking		
License and permit issuance	1	2
Compliance and enforcement action		1
Implementation/monitoring agreements		6
Other (specify): info sharing, S.106 programmatic agreement, ISDA contract dispute, exploring opps for collaboration	1	4
TOTAL	6	71

<i>Context for ECCR Applications:</i>	ECCR Cases or projects completed ³	ECCR Cases or Projects sponsored ⁴
Policy development	8	16
Planning	48	91
Siting and construction	2	3
Rulemaking		
License and permit issuance		3
Compliance and enforcement action	1	4
Implementation/monitoring agreements	1	7
Other (specify): renegotiation of a cost share agreement, exploring opps for collab.	3	3
TOTAL	63	131

³ A "completed case" means that neutral third party involvement in a particular ECCR case ended during FY 2019. 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 2019 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2019 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 2019 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 2019). If possible, focus on an interagency ECCR case. Please limit the length to **no more than 1 page**.

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.

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 worked with the DOI Office of Collaborative Action and Dispute Resolution (CADR) to retain the services of Peter Bonner from Bonner Enterprise to help design and facilitate a strategic planning process focused on social science integration within the Service, culminating in a workshop planned for February 2020. The timeline for Peter's assistance is 2017-2020, 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 with Peter 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." Peter 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 project, 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 neutral third party 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. Peter 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 Provolt Seed Orchard Recreation Area Management Plan

The Bureau of Land Management's (BLM) Medford District (Oregon) - Grants Pass Field Office previously managed a seed orchard with no public access. The site provides important access to almost 300 acres of river and meadows for dispersed recreation. The parcel is surrounded by communities that are critically focused on BLM management and that express a wide range of preferences for management options.

As part of their Recreation Area Management Plan (Plan), BLM chose to open the area to angling and recreation opportunities on the Applegate River. Knowing the Plan would need stakeholder involvement, including engagement with local residents, watershed councils, the Army Corps of Engineers, and State and local agencies, BLM engaged neutral facilitator, Don Ferguson (under subcontract to Kearns & West, the DOI CADR ECCR prime contractor), to conduct two public workshops with the aim of engaging stakeholders, as required to complete an Environmental Assessment (EA) and Decision Record. As a result of the meetings, public input was fully integrated into the Decision Record and a durable, neighborhood-based group remains engaged as elements of the proposed development plan are completed over the next few years.

FWS Great Basin Landscape Conservation Cooperative

The Great Basin Landscape Conservation Cooperative (LCC) is a partnership among public and private groups working to meet large-scale conservation challenges across five States. Since the creation of the Great Basin LCC, EnviroIssues, under subcontract to Kearns & West, the DOI CADR ECCR prime contractor, has provided strategic facilitation, organizational leadership advice, and process tools to support the group as it serves as a hub for conservation research and initiatives addressing conservation in the Great Basin.

Kearns & West supported the Great Basin LCC in developing a cohesive suite of communication materials including annual reports, fact sheets, newsletters, posters, and videos. The LCC went through their first ever five-year strategic planning process, which included creating vision, mission, goals, and objectives in consultation with the five-State conservation community; producing outcomes and evaluation metrics; and setting annual work priorities for the planning period.

BOEM/BSEE Offshore Wind Health, Safety, and Environment Workshop

The Bureau of Safety and Environmental Enforcement (BSEE) and the Bureau of Ocean Energy Management (BOEM) held a workshop from April 11-12, 2019 in New York, NY to share information and discuss a preliminary approach to developing offshore wind health, safety, and environment (HSE) guidelines. Approximately 40 participants from government, industry (domestic and international), and the private sector gathered to:

- Provide information about BSEE's preliminary approach to developing offshore wind HSE guidelines;
- Uncover lessons learned and best practices from the international offshore wind industry and the domestic oil and gas industry relevant to the development of HSE guidelines for the U.S. offshore wind industry;
- Understand degrees of stakeholder consensus about challenges, opportunities, and gaps the HSE

guidelines could address;

- Learn stakeholder perspectives on the most useful format and approach for the forthcoming guidelines; and
- Discuss next steps for guidelines development.

DOI CADR contractor Kearns & West facilitated the 1.5-day workshop, which included discussion on regulatory requirements, hazard analysis and safety and environmental management concepts, risks, potential components of the HSE guidelines, and priorities. BSEE will consider the feedback from the workshop when developing its HSE guidelines as the offshore wind industry in the U.S. advances.

US Fish and Wildlife Service Monarch Butterfly Evaluation Plan

The U.S. Fish and Wildlife Service (FWS) worked with the DOI CADR Office to secure the services of Foundations of Success (subcontractors to Kearns & West) to support the development of an evaluation plan for its National Monarch Butterfly Program using the *Open Standards for the Practice of Conservation* and Miradi Software. The monarch butterfly is a priority species for FWS. The evaluation plan is an opportunity to understand the degree to which FWS is meeting its goals and objectives around monarch conservation across North America. The third-party facilitation team supported FWS with two three-day workshops. The first workshop introduced the process and developed theories of change for prioritized strategies. The second workshop finalized the development of an evaluation plan for prioritized strategies. The FWS are currently in the process of supporting the implementation of the evaluation plan.

6. Priority Uses of ECCR

Please describe your agency's **NEW or CHANGED** 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. Please refer to your agency's FY2018 report to only include new or increased priority uses. **If none, leave this section blank.**

Across the Departmental Bureaus and Offices the most common uses of ECCR are in resource management planning activities such as stakeholder engagement prior to NEPA Scoping processes; and large scale project and/or program implementation such as the Glen Canyon Adaptive Management Work Group and the Wild Horse and Burro Advisory Committee. Other priority areas in FY 2019 included facilitation of multi-stakeholder task forces / work groups related to oil and gas decommissioning, offshore wind leasing led by BOEM.

7. Non-Third-Party-assisted Collaboration Processes (Optional)

Briefly describe other **significant** uses of environmental collaboration that your agency has undertaken in FY 2019 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.* **If none, leave this section blank.**

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 some of the Bureaus and Offices.

Bureau of Land Management (BLM)

The BLM maintains 37 chartered advisory committees located in the West. These include 30 statewide and regional Resource Advisory Councils; five advisory committees affiliated with specific sites on the BLM's National Conservation Lands; and two others, including the National Wild Horse and Burro Advisory Board and the North Slope Science Initiative Science Technical Advisory Panel.

Resource Advisory Councils (RACs) are sounding boards for BLM initiatives, regulatory proposals and policy changes. Each citizen-based council consists of 10 to 15 members from diverse interests in local communities, including ranchers, environmental groups, Tribes, State and local government officials, academics, and other public land users. Some RACs are facilitated by third party neutrals e.g. the National Wild Horse and Burro Advisory Board while the regional RACs are often self-facilitated by the Designated Federal Official (DFO), e.g., Western Montana RAC. RAC members vote on recommendations related to public land management and provide those recommendations to the DFO, who serves as liaison to the RAC. The DFO is usually a BLM line manager, such as the State director or district manager. Each RAC has a charter that outlines membership and how the panel operates.

Other examples of self-facilitated work in BLM include:

- **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 held in 2019. The collaboration has reduced development impacts in this sensitive area and improved the efficiency of the industry permit application process by identifying and resolving concerns early on.
- **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 also collaboration for weed control with private companies, States, 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 of livestock, the rangelands are recovering.

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. The 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.

U.S. Fish and Wildlife Service

This past fiscal year, the US FWS Human Dimensions Branch, Natural Resource Program Center worked to build a Public Engagement Wayfinder Toolkit for FWS employees. This toolkit (currently in development, slated for release in early 2020) uses the Spectrum of Engagement as a framework for conducting meaningful public engagement. It offers a suite of commonly used techniques, resources, and case studies to better navigate public engagement processes and reduce conflict around controversial decisions.

8. Comments and Suggestions on Reporting

Please comment on any **NEW or CHANGED** difficulties you encountered in collecting these data and if and how you overcame them. Please provide suggestions for improving these questions in the future. Please reference your agency's FY2018 report to identify new/increased difficulties. **If none, leave this section blank.**

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.

Please attach any additional information as warranted.

Report due February 21, 2020.

Submit report electronically to: kavanaugh@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