

FY 2020 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

Draft; Confidential USDOT Office of the General Counsel as of August 11, 2020

This annual reporting template is provided in accordance with the memo for activities in FY 2020.

The report deadline is February 26, 2021.

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 2020 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 2020 ECCR reports. You may be contacted for the purpose of clarifying information in your report.

For your reference, synthesis reports from past fiscal years are available at <https://www.udall.gov/OurPrograms/Institute/ECRReport.aspx>.

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FY 2020 ECCR Report Template

Name of Department/Agency responding:	U.S. Department of Transportation
Name and Title/Position of person responding:	Ami Lovell, Attorney Advisor
Division/Office of person responding:	Office of the General Counsel
Contact information (phone/email):	ami.lovell@dot.gov / 202-366-2289
Date this report is being submitted:	DATE
Name of ECCR Forum Representative:	
	Ami Lovell, Jeffrey Page, Amanda Tharpe, Alan Strasser, David Cohen, Megan Blum, Amelia Samaras

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 2020, including progress made since FY 2019.

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 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.

Please refer to your agency's FY 2019 report to only include new, changed or actively ongoing ECCR capacity building progress. **If none, leave this section blank.**

The U.S. Department of Transportation (DOT) took the following steps to build programmatic and institutional capacity for ECCR in FY 2020:

Federal Transit Administration (FTA)

FTA regional offices utilized the liaison program authorized by 23 U.S.C. §139(j) to onboard contractors to help complete the environmental review for project sponsors. This program allows for collaboration and conflict resolution during project development to expedite project delivery.

- b) Please describe the trainings given in your department/agency in FY 2020. Please include a list of the trainings, if possible. If known, please provide the course names and total number of people trained. Please refer to your agency's FY 2019 report to include **ONLY** trainings given in FY 2020. **If none, leave this section blank.**

FTA

FTA had a Regional Training Program on FTA's Standard Operating Procedures, which included discussions on agency coordination, public involvement, and dispute resolution information. FTA Regions 3, 5, and 8 had trainings held from October-December 2019. Areas served by the regions include the following: FTA Region 3 – Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia; Region 5 – Illinois, Ohio, Minnesota, Wisconsin, Indiana, and Michigan; and Region 8 – Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming. FTA Regions 2, 4, and 10 had trainings held in February 2020. Areas served by the regions include the following: FTA Region 2 – New York and New Jersey; Region 4 – Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, the Commonwealth of Puerto Rico, and the United States Virgin Islands; and Region 10 – Alaska, Idaho, Oregon, and Washington.

In June 2020, FTA released an online, self-paced "National Environmental Policy Act (NEPA) 101" course on the National Transit Institute (NTI) website, which includes high-level information regarding agency and public involvement.

2. ECCR Investments and Benefits

- a) Please describe any **NEW or CHANGED or INNOVATIVE** investments made in ECCR in FY 2020. Examples of investments may include (but are not limited to):
- ECCR programmatic FTEs
 - Dedicated ECCR budgets
 - Funds spent on contracts to support ECCR cases and programs

Please refer to your agency's FY 2019 report to only include new, changed, or innovative investments made in ECCR. **If none, leave this section blank.**

Federal Highway Administration (FHWA)

FHWA Office of Project Development and Environmental Review renewed the interagency agreement (IAA) with the McCain National Center for Environmental Conflict Resolution (NCECR) for another 5-year term in February 2020. The IAA's funding ceiling is at \$505,000, subject to FHWA's business needs and incremental funding over the performance period.

b) Please describe any **NEW or CHANGED** benefits realized when using ECCR in FY 2020. Examples of benefits may include (but are not limited to):

- Cost savings
- Environmental and natural resource results
- Furtherance of agency mission
- Improved working relationship with stakeholders
- Avoidance of litigation
- Timely project progression

Please refer to your agency's FY 2019 report to only include new or changed benefits of ECCR realized in FY 2020. If none, leave this section blank.



3. ECCR Use

Describe the level of ECCR use within your department/agency in FY 2020 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.]

To avoid double counting processes, please select one category per case for decision making forums and for ECCR applications.

	Total FY 2020 ECCR Cases ²	Decision making forum that was addressing the issues when ECCR was initiated:			
		Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other** (specify below)
<i>Context for ECCR Applications:</i>					
Policy development	___	___	___	___	___
Planning	___	___	___	___	___
Siting and construction	___	___	___	___	___
Rulemaking	___	___	___	___	___
License and permit issuance	___	___	___	___	___
Compliance and enforcement action	___	___	___	___	___
Implementation/monitoring agreements	_1_	_1_	___	___	___
Other (specify): _____	___	___	___	___	___
TOTAL	_1_	_1_	___	___	___
		(the sum of the Decision Making Forums should equal Total FY 2020 ECCR Cases)			

****If you indicated above that any of your ECCR cases or projects were initiated in an “other” decision making forum, please elaborate here.**

² An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2020.

<i>Context for ECCR Applications:</i>	Interagency ECCR Cases and Projects	
	Included Other Federal Agencies Only	Included Non-Federal Participants (e.g., states, Tribes, and non governmental)
Policy development	_____	_____
Planning	_____	_____
Siting and construction	_____	_____
Rulemaking	_____	_____
License and permit issuance	_____	_____
Compliance and enforcement action	_____	_____
Implementation/monitoring agreements	_____	__1__
Other (specify): _____	_____	_____
TOTAL	_____	__1__

<i>Context for ECCR Applications:</i>	ECCR Cases or projects completed ³	ECCR Cases or Projects sponsored ⁴
Policy development	_____	_____
Planning	_____	_____
Siting and construction	_____	_____
Rulemaking	_____	_____
License and permit issuance	_____	_____
Compliance and enforcement action	_____	_____
Implementation/monitoring agreements	__1__	_____
Other (specify): _____	_____	_____
TOTAL	__1__	_____

³ A “completed case” means that neutral third-party involvement in a particular ECCR case ended during FY 2020. 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 2020 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2020 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 2020 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 2020). If possible, focus on an interagency ECCR case. Please limit the length to **no more than 1 page**.

Name/Identification of Problem/Conflict:
<i>[Please add case "title" here]</i>
Overview of problem/conflict and timeline, including reference to the nature and timing of the third-party assistance, and how the ECCR effort was funded.
<p>FHWA</p> <p>Under the National Historic Preservation Act (NHPA), FHWA routinely creates Section 106 Programmatic Agreements (PA) with states to improve decision-making and accelerate environmental review. These agreements can delegate some responsibilities to states and provide parameters for expedited reviews under certain circumstances. The Puerto Rico (PR) PA for Section 106 expired in 2019. Given the many demands still in Puerto Rico post hurricane Maria, PR DOT and State Historic Preservation Officer (SHPO) are currently unable to invest the full level of effort needed to lead this effort. FHWA contracted with the McCain National Center for Environmental Conflict Resolution (NCECR), for third-party assisted collaborative problem solving and conflict resolution services. NCECR agreed to provide a facilitator to convene the agencies and help them to work through conflicts that were likely to arise from putting together a new PA, especially if they were unable to do so in a timely manner. Funding was provided through an interagency agreement between FHWA and NCECR.</p> <p>A Section 106 PA is key to federal and state coordination under the NHPA, and revising this agreement creates an opportunity for collaboration to build common understanding and mitigate future disagreements. It is not uncommon that states and FHWA may have divergent views on the depth and applicability of environmental reviews and processes. In some cases, states may also have different interpretations of the policy and what is or is not appropriate for expedited review under Section 106. In addition, Puerto Rico faces unique challenges in the context of Section 106 as substantial work continues in rebuilding communities after Hurricane Maria. Overall, a PA helps state and federal partners meet process and expectations together to ensure a smooth and effective implementation.</p> <p>Work proceeded on the PA in 2019 and early 2020; however, consultation efforts with the Puerto Rico SHPO and Puerto Rico Highway and Transportation Authority (PRHTA) slowed down in the spring of 2020 because of the COVID-19 pandemic. As a result, the signatories agreed to extend the existing PA into 2021.</p>

Summary of how the problem or conflict was addressed using ECCR, including details of any innovative approaches to ECCR, and how the principles for engagement in ECCR outlined in the policy memo were used.

The Third-Party Neutral facilitators worked with the various stakeholders to update and modify the PA that was restarted in March 2019, under the direction of the FHWA Federal Preservation Officer (FPO) at FHWA Headquarters in Washington, D.C. The PA would now address federal and PRHTA transportation programs on the island, not just the Federal-Aid Highway Program. The signatories to the PA included the following:

- FHWA Division Office
- United States Army Corps of Engineers (USACE), Jacksonville District
- PRHTA
- SHPO
- Advisory Council on Historic Preservation (ACHP)

ECCR approaches included the following:

- Providing a skilled bilingual facilitator to help the agencies in Puerto Rico navigate potential challenges to deliver an efficient and effective new PA on Section 106.
- Teleconference Kick-Off Meeting with PA Signatories: The restart of work to update and modify the PA in March 2019 began with a kick-off teleconference Meeting with Signatories in San Juan, Puerto Rico
- Meeting with Signatories in San Juan, Puerto Rico: In May 2019, the FHWA FPO and the ACHP met with the signatories in San Juan to discuss steps in preparing the updated and modified PA. The FHWA FPO and the ACHP met first with the FHWA Division Office, PRHTA, and USACE and then separately with the Puerto Rico SHPO. Separate meetings were held to allow the parties to speak frankly and openly about their experiences and concerns with the implementation of the 2012 PA, and how the Section 106 review process was being conducted in Puerto Rico. During each meeting, the parties discussed the results of the questionnaire and possible measures to address their concerns through updating and modifying the 2012 PA.
- Preparation of Concept Draft and First Formal Draft of the PA: The concept draft of the PA, prepared in consultation with the FHWA FPO and the ACHP, was sent to all of the signatories. The signatories were asked to review the concept draft, identifying any issues or concerns about the proposed structure and content of the new PA. After receiving comments on the concept draft, and working with the FHWA FPO and ACHP, the first formal draft of the PA was prepared, using other

delegation PAs as models where appropriate. The completed first draft was then sent to the signatories for review and comment.

- Meeting in San Juan with Signatories to Discuss First Draft: After receiving written comments on the first draft of the PA, a second meeting of the signatories was held in San Juan in November 2019. As with the May 2019 meetings, the FHWA FPO and the ACHP met first with the FHWA Division Office, PRHTA, and USACE and then separately with the SHPO.

FHWA FPO, the ACHP, and the FHWA Division Office held a teleconference with the SHPO, during which the SHPO provided oral comments on the second draft. After the teleconference, the SHPO sent written comments to the FHWA FPO and Division Office. The SHPO recommended changes to the wording of several stipulations. In addition, the SHPO did not agree with the inclusion of a stipulation allowing the PRHTA's qualified professionals to make findings of No Historic Properties Affected without SHPO consultation. The SHPO requested that the PRHTA submit all of these findings to their office for concurrence, following the standard Section 106 process.

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.

The key outcome of this case is the preparation of a Third Draft of the PA, which is the result of multiple reviews and input by all signatories.

A third draft was prepared based on the signatories' comments on the second draft. The primary changes to the third draft included the following:

- The addition of a new stipulation requiring SHPO review of the PRHTA's proposed use of Appendix B for undertakings involving or adjacent to a historic road listed in or eligible for listing in the National Register of Historic Places (NRHP), or a historic road that has yet to be evaluated in terms of NRHP eligibility. If the SHPO does not concur with the application of Appendix B to such an undertaking, then the undertaking will require further Section 106 review.
- The addition of language stating that prior to the preparation of standard forms referenced in the PA, the PRHTA will follow current communication and reporting practices with the SHPO until these standard forms are prepared.

In addition, the FHWA FPO agreed to the majority of the SHPO's requested changes to the wording of several PA stipulations.

The third draft was sent to all of the parties, along with a list of responses to the SHPO's comments on the second draft, noting how their comments were addressed in the third draft. In terms of the SHPO's concern about allowing the PRHTA to make findings of No Historic Properties Affected without consultation with their office, the response to comments noted that the FHWA FPO and the ACHP will discuss this

further with the SHPO during a teleconference with the SHPO to discuss the third PA draft.

Please share any reflections on the lessons learned from the use of ECCR.

The following are the key lessons learned based on the effort to update and modify the Puerto Rico PA. The list below also can be considered best practices.

- To update and modify an existing PA, first discuss the parties' issues and concerns with the existing PA and identify what needs to be added and changed in the new PA to address these concerns and issues. Obtain buy-in from all the parties on the proposed additions and changes.
- Define/outline the process for modifying and updating the PA. Create a realistic timeline for the PA preparation process, understanding the need for flexibility when events require modifications to the preparation timeline.
- Prepare a concept draft (in plain English) before spending time on the first legal-language draft. This approach streamlines the preparation of a formal first draft and helps parties identify any specific issues and concerns about the organization and content of the PA that need to be addressed before preparing the first formal draft.
- If the USACE has many undertakings in a state, it is important to have the USACE as a signatory, streamlining the review of FHWA undertakings that require a USACE permit.
- Develop standard forms for documenting and consulting on findings and decisions stipulated in the PA (e.g., screened undertakings requiring no further review, consultation on any Area of Potential Effects (APE), and findings of No Historic Properties Affected). The use of standard formats brings consistency and predictability to the review and consultation process.
- If historic roads pose a special challenge to Section 106 compliance and project delivery, include stipulations that provide protocols for the treatment of these properties, especially for screening projects to determine if they do not require further Section 106 review.
- Include, when possible, a stipulation on additional program commitments that would enhance and improve the Section 106 compliance process and transportation project delivery. The Puerto Rico PA included the following program commitments:
 - Developing historic road management plans.
 - Updating historic bridge and culvert inventories and developing management plans for those that are listed in or eligible for listing in the NRHP.
 - Preparing a cultural resource management manual for PRHTA staff.
 - Developing interagency communication protocols.
 - Providing training on Section 106 and the implementation of the PA.

- Developing procedures for improved record and document sharing and distribution among the FHWA, USACE, SHPO, and PRHTA.
- Developing historic contexts for classes of properties. These historic contexts would be used to facilitate NRHP-eligibility evaluations of properties encountered during FHWA and PRHTA projects.
- Preparing treatment and management plans for classes of properties that are listed in or eligible for listing in the NRHP.

Implementing these types of program commitments not only improves and enhances future Section 106 compliance and project delivery, but also helps to build trust and positive relationships among the FHWA, state DOTs, SHPOs, and other parties involved in the Section 106 consultations.

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5. Other ECCR Notable Cases

Briefly describe any other notable ECCR cases in FY 2020. **(OPTIONAL)**



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 FY 2019 report to only include new or increased priority uses. **If none, leave this section blank.**



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

Briefly describe other **significant** uses of environmental collaboration that your agency has undertaken in FY 2020 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.**

Federal Aviation Administration (FAA)

Programmatic Biological Opinion for Routine Oregon Airport Projects

The FAA worked with the US Fish and Wildlife Service (USFWS) in Oregon to develop a programmatic agreement for the purpose of consulting under Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. § 1531, et seq.). This agreement evaluates the effects on federally listed species and their designated critical habitats under the jurisdiction of USFWS for actions funded by the FAA on airports in the State of Oregon. Specifically, a Programmatic Biological Assessment (PBA) that describes the biological effects to streaked horned larks (*Eremophila alpestris strigata*) that may occur from routine airport development projects at airports where larks occur. The FAA submitted the PBA to the USFWS in October 2020 and the USFWS issued the Programmatic Biological Opinion in December 2020. The PBA can be used for eligible projects to satisfy Section 7 consultation requirements.

Historic Beacons

The importance of beacons to rural navigation is illustrated by their numbers across Montana by mid-century. Many of these beacons were part of the northern airway beacon system, and were essential for night navigation in the early days of aviation. The improvement of radar and other navigational aids resulted in the decommissioning beacons nationwide beginning in 1951. In Montana, the assessment process of these beacons began in the early 1960s. Many of these beacons were donated by the FAA to the Montana Aeronautics Commission, local governments, and other recipients for use.

Today, many of these beacons, towers, and/or associated generator sheds are still in use at rural airports. These features are often eligible for listing on the National Register of Historic Places (NRHP) under criterion A and C due to their importance in early aviation and architectural features. However, the beacons are increasingly difficult to continue to operate, due to the increasing difficulty and expense of their maintenance and finding replacement parts.

Replacing these beacons with modern beacons on historic towers or replacing beacons and towers with new beacons on tilt-down poles is typically considered an adverse effect to these NRHP-eligible features under Section 106 of the NHPA and also triggers review under DOT Section 4(f).

In winter of 2020, a consultant forwarded a specification sheet for a refurbished beacon for consideration for replacing these types of beacons. Knowing that these beacons are of specific interest to the Montana State Historic Preservation Office (SHPO), FAA reached out to discuss use of these refurbished beacons to replace NRHP-eligible beacons. A case study soon followed, when an Airport Sponsor proposed replacement of an NRHP-eligible beacon on an existing tower with a refurbished beacon. FAA secured concurrence from SHPO to a “No Adverse Effect to Historic Properties” determination by proposing to utilize the refurbished

beacon, which was a similar model and style as the existing one, and exchange the existing beacon to the company for refurbishment elsewhere.

In addition to working out the issues with SHPO, FAA staff researched the AIP-eligibility of the refurbished beacons and found that if they meet the requirements in the AIP handbook for used equipment. Therefore, they are eligible under AIP. Additionally, the cost of these refurbished beacons was estimated to be less costly than replacement with a new beacon on a tilt-down pole.

As many Sponsors have decided to continue struggling to operate their NRHP-eligible beacons rather than undergo the necessary mitigation that would be required due to an adverse effect finding under Section 106, this option of using refurbished beacons will give small GA Sponsors a potential solution to replacing these important navigational aids at their airports, which fits their budgets as well.

Pipeline and Hazardous Materials Safety Administration (PHMSA)

Although PHMSA does not participate in or approve the construction of infrastructure, PHMSA often becomes aware of disputes between landowners and pipeline operators. These disputes most often arise during construction of a pipeline but also after the pipeline is operational. In an effort to assist with resolution of these disputes, PHMSA's Community Liaisons (CL) engage with pipeline stakeholders. The mission of the CL Program is to advance public safety, environmental protection, and pipeline reliability by facilitating clear communications among all pipeline stakeholders, including the public, the operators and government officials. CLs provide information about the Office of Pipeline Safety programs to pipeline safety stakeholders and also work with pipeline operators to encourage prudent land use planning and prevent or mitigate excavation damage and encroachment.

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 FY 2019 report to identify new/increased difficulties. **If none, leave this section blank.**

Please attach any additional information as warranted.

Report due Friday, February 26, 2020.

Submit report electronically to: kavanaugh@udall.gov

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**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

5.