

FY 2009 ECR Policy Report to OMB-CEQ

On November 28, 2005, the Director of the Office of Management and Budget (OMB), and the Chairman of the President's Council on Environmental Quality (CEQ) issued a policy memorandum on environmental conflict resolution (ECR).

The memorandum requires annual reporting by departments and agencies to OMB and CEQ on progress made each year. This joint policy statement directs agencies to increase the effective use and their institutional capacity for ECR and collaborative problem solving.

ECR is defined in Section 2 of the memorandum as:

“third-party assisted conflict resolution and collaborative problem solving in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and land use. The term “ECR” encompasses a range of assisted negotiation processes and applications. These processes directly engage affected interests and agency decision makers in conflict resolution and collaborative problem solving. 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 administrative adjudicatory disputes, to civil judicial disputes, policy/rule disputes, intra- and interagency disputes, as well as disputes with non-federal persons/entities. ECR processes can be applied during a policy development or planning process, or in the context of rulemaking, administrative decision making, enforcement, or litigation and can include conflicts between federal, state, local, tribal, public interest organizations, citizens groups and business and industry where a federal agency has ultimate responsibility for decision-making.

While ECR refers specifically to collaborative processes aided by third-party neutrals, there is a broad array of partnerships, cooperative arrangements, and unassisted negotiations that federal agencies enter into with non-federal entities to manage and implement agency programs and activities. The Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving presented in Attachment A (of the OMB/CEQ ECR Policy Memo) and this policy apply generally to ECR and collaborative problem solving. This policy recognizes the importance and value of the appropriate use of all types of ADR and collaborative problem solving.”

The report format below is provided for the fourth year of reporting in accordance with this memo for activities in FY 2009.

The report deadline is January 15, 2010.

We understand that collecting this information may be challenging; however, after compiling previous reports, the departments and agencies can collect this data to the best of their abilities. The 2009 report, along with previous reports, will establish a useful baseline for your department or agency, and collect some information that can be aggregated across agencies. Departments should submit a single report that includes ECR information from the agencies and other entities within the department. The information in your report will become part of an analysis of all FY 2009 ECR reports. You may be contacted for the purpose of clarifying information in your report. For your reference, copies of prior year synthesis reports are available at www.ecr.gov.

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Date this report is being submitted:	January 15, 2010

Section 1: Capacity and Progress

1. Describe steps taken by your department/agency to build programmatic/institutional capacity for ECR in 2009, including progress made since 2008. If no steps were taken, please indicate why not.

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

During FY 2009 the Commission continued building programmatic/institutional capacity for environmental conflict resolution (ECR). Highlights and significant accomplishments during the year include:

Partnering with the Harvard Negotiation and Mediation Clinical Program (HNMCP) on “*The Use of Alternative Dispute Resolution (ADR) in the Energy Industry*”

The Commission's Dispute Resolution Service (DRS) partnered with the HNMCP to produce a study of the use of ADR in the energy industry – the first assessment of its kind. The Commission's DRS teamed with three HNMCP law students (who were fulfilling their clinical requirements) over the course of one semester to develop and administer surveys, and conduct follow up one-on-one interviews, to an established group of energy companies that appear before the Commission in the natural gas pipeline, hydropower and electric industry proceedings. Participants were questioned regarding attitudes about ADR/ECR and how often they make use of this tool for conflict resolution in the siting of large, typically contested pipeline and electric transmission projects and the licensing of hydropower projects, as well as for non-environmental conflicts such as energy rates and contract disputes. The Commission wanted to better understand obstacles to the use of ADR/ECR and to gain insights from each energy company's perspective on possible entry points for ADR.

The results of this neutral assessment provided extensive insight into ways the Commission can improve its ADR/ ECR services and effectively provide value beyond its existing mediation, outreach, and training activities, with the goal of increasing ADR and ECR usage among energy companies. Based on the survey results, the natural gas industry might take greater advantage of the DRS and Early Neutral Evaluators (ENE) for expert evaluation of claims if the DRS's role was more visible in the Commission processes. It was suggested that DRS might assist in bringing key stakeholders such as State Water Quality Departments and Non-Governmental Organizations (NGO's) to the table early in hydroelectric proceedings, perhaps avoiding project delays or litigation. On the electric side, it was suggested that Independent System Operators (ISOs) and Regional Transmission Operators (RTOs) would benefit from the DRS and ENE services early on when disputes arise regarding transactional matters related to the wholesale energy pool and issues surround electric transmission planning.

The top three recommendations coming out of the study were that the Commission: 1) foster a stronger mandate for ADR; 2) incorporate ADR earlier or upstream in Commission proceedings; and 3) establish best practices across the Commission offices for more frequent use of ADR. The Commission is working to implement these recommendations.

Integration of Dispute Resolution Services into Commission Strategic Goals

The Commission's FY 2009 Strategic Plan noted that the Commission "encourages the use of alternative dispute resolution procedures" as part of its guiding principle of due process and transparency in the energy industry. To demonstrate the Commission's commitment to encouraging the use of ADR and ECR, the Commission's FY2020 – FY20-14 strategic plan includes new strategic goals that focus on ADR and ECR services.¹ In addition, ADR/ECR objectives and principles are integrated into the mission statement and GPRA goals of the Commission's DRS.

ADR/ECR Performance and Achievement Measures

The annual Performance Budget Request to the Office of Management and Budget tracks environmental collaborative problem-solving and ADR processes (including ECR). It also identifies specific performance-measurement data to demonstrate the extent to which such activities have supported the Commission's ADR and ECR initiatives.

The FY 2009 ADR/ECR performance and achievement measures are as follows:

- 71 new ADR requests and referrals were completed.
- 18 of 18 mediated or facilitated cases resulted in consensual agreement. Seventeen cases that began in FY 2009 are ongoing in FY 2010.
- Over 90% of customers of our casework and outreach services surveyed expressed satisfaction.
- 24 outreach events were held.
- 100% of respondents to casework surveys affirmed that involvement of DRS saved them time and/or money over traditional processes.

¹ The FERC FY 2010 – FY 2014 Strategic Plan is available at <http://www.ferc.gov/about/strat-docs/FY-09-14-strat-plan-print.pdf>.

Section 2: Challenges

2. Indicate the extent to which each of the items below present challenges or barriers that your department/agency has encountered in advancing the appropriate and effective use of ECR.

	Extent of challenge/barrier		
	Major	Minor	Not a challenge/barrier
	Check <u>only</u> one		
a) Lack of staff expertise to participate in ECR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Lack of staff availability to engage in ECR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Lack of party capacity to engage in ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Limited or no funds for facilitators and mediators	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Lack of travel costs for your own or other federal agency staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Lack of travel costs for non-federal parties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Reluctance of federal decision makers to support or participate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Reluctance of other federal agencies to participate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Reluctance of other non-federal parties to participate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Contracting barriers/inefficiencies	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Lack of resources for staff capacity building	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Lack of personnel incentives	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Lack of budget incentives	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
n) Lack of access to qualified mediators and facilitators	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o) Perception of time and resource intensive nature of ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
p) Uncertainty about whether to engage in ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
q) Uncertainty about the net benefits of ECR	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
r) Other(s) (please specify): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
s) No barriers (please explain): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Section 3: ECR Use

3. Describe the level of ECR use within your department/agency in FY 2009 by completing the table below. [Please refer to the definition of ECR from the OMB-CEQ memo as presented on page one of this template. An ECR “case or project” is an instance of neutral third party involvement to assist parties in reaching agreement or resolving a dispute for a particular matter. In order not to double count processes, please select one category per case for decision making forums and for ECR applications.]

	Cases or projects in progress ²	Completed Cases or projects ³	Total FY 2009 ECR Cases ⁴	Decision making forum that was addressing the issues when ECR was initiated:					Of the total FY 2009 ECR cases indicate how many your agency/department	
				Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)	Sponsored ⁵	Participated in but did not sponsor ⁶	
<i>Context for ECR Applications:</i>										
Policy development	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Planning	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Siting and construction	13	19 (Includes 5 DSR cases)	32	32	_____	_____	_____	32	_____	_____
Rulemaking	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
License and permit issuance	34 (Includes 2 DSR cases and 6 w/separated staff)	12 (Includes 1 DSR case and 2 w/separated staff)	46	45	_____	_____	1	46	_____	_____

² A “case in progress” is an ECR case in which neutral third party involvement began prior to or during FY 2009 and did not end during FY 2009.

³ A “completed case” means that neutral third party involvement in a particular matter ended during FY 2009. 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 “Cases in progress” and “completed cases” add up to “Total FY2009 ECR Cases”.

⁵ Sponsored - to be a sponsor of an ECR 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 ECR case.

⁶ Participated, but did not sponsor - an agency did not provide resources for the neutral third party's services for a given ECR case, but was either a party to the case or participated in some other significant way (e.g., as a technical expert advising the parties).

Compliance and enforcement action	206	209 (Includes 3 DRS cases and 206 Enforcement Hotline matters)	209	209	_____	_____	_____	_____	209	_____
Implementation/monitoring agreements	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
Other (specify): _____	_____	_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL	(the sum should equal Total FY 2009 ECR Cases)		_____	(the sum of the Decision Making Forums should equal Total FY 2009 ECR Cases)					(the sum should equal Total FY 2009 ECR Cases)	

4. Is your department/agency using ECR in any of the substantive priority areas you listed in your prior year ECR Reports? Indicate if use has increased in these areas since they were first identified in your ECR report. Please also list any additional priority areas identified by your department/agency during FY 2009, and indicate if ECR is being used in any of these areas. Note: An overview of substantive program areas identified by departments/agencies in FY 2008 can be found in the FY 2008 synthesis report.

List of priority areas identified in your department/agency prior year ECR Reports	Check if using ECR	Check if use has increased in these areas
Natural gas facility certificate applications	✓	<input type="checkbox"/>
Hydropower licensing/relicensing applications	✓	<input type="checkbox"/>
Liquefied natural gas facility authorization applications	✓	<input type="checkbox"/>
Electric transmission siting authorization applications	✓	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>
List of additional priority areas identified by your department/agency in FY 2009	Check if using ECR	
_____	<input type="checkbox"/>	

Please use an additional sheet if needed.

5. It is important to develop ways to demonstrate that ECR is effective and in order for ECR to propagate through the government, we need to be able to point to concrete benefits; consequently, we ask what other methods and measures are you developing in your department/agency to track the use and outcomes (performance and cost savings) of ECR as directed in Section 4 (b) of the ECR memo, which states: *Given possible savings in improved outcomes and reduced costs of administrative appeals and litigation, agency leadership should recognize and support needed upfront investments in collaborative processes and conflict resolution and demonstrate those savings and in performance and accountability measures to maintain a budget neutral environment* and Section 4 (g) which states: *Federal agencies should report at least every year to the Director of OMB and the Chairman of CEQ on their progress in the use of ECR and other collaborative problem solving approaches and on their progress in tracking cost savings and performance outcomes. Agencies are encouraged to work toward systematic collection of relevant information that can be useful in on-going information exchange across departments?* [You are encouraged to attach examples or additional data]

The Commission continues to track and report on performance of ECR services including cases, outreach activities, educational programs, time spent to resolve ADR/ECR cases, cost savings, and satisfaction with the ADR/ECR process.

In FY 2009, the DRS created a new online survey using Survey Monkey to better track the benefits of ECR. The new survey collects information about the type of service used, as well as cost and time savings. The new form also requests stakeholder input and suggestions regarding how the Commission can improve existing ADR/ECR processes and services. Online Dispute Resolution (ODR) technology was used to improve ease of access to the survey, which the Commission anticipates will lead more stakeholders to complete the non-mandatory survey. The survey can be viewed at the end of this section.

As noted in response to Question 1 above, the joint FERC- HNMCP study conducted in FY 2009 evaluated the use of ADR and associated ECR processes in the electric, hydroelectric, and natural gas industry, how ADR/ECR is being used, and whether these conflict resolution tools are effective. The HNMCP developed targeted surveys to gather in-depth quantitative and qualitative data regarding how, when, and where ADR is being used in the energy industry, and whether the industries are familiar with and make use of the Commission's DRS or other ADR service providers.

Based on the findings of the HNMCP study, the DRS has begun to modify its tracking system to ensure that the ADR/ECR services it offers, e.g., facilitation, mediation, training, outreach, and conflict coaching, are targeted to the right audiences, are adding the intended value, and that DRS incorporates more ADR/ECR services in the future. This should further encourage early use of ADR/ECR for the prevention, management and resolution of energy conflicts.

DISPUTE RESOLUTION SURVEY

[Exit this survey](#)

Survey Questions

Survey Questions: The Dispute Resolution Service (DRS) is interested in receiving confidential feedback about your interaction with our group:

1. Optional:

Optional:

Name:

Docket

Number:

*

2. Please describe the alternative dispute resolution (ADR) service you were provided.

- | | |
|--|------------------------------------|
| <input type="checkbox"/> Please describe the alternative dispute resolution (ADR) service you were provided. Mediation | <input type="checkbox"/> Convening |
| <input type="checkbox"/> Facilitation | <input type="checkbox"/> Coaching |
| <input type="checkbox"/> Early Neutral Evaluation (ENE) | |

*

3. To what extent were you satisfied with the services provided by the DRS?

- | | |
|---|--|
| <input checked="" type="checkbox"/> To what extent were you satisfied with the services provided by the DRS? Very satisfied | <input checked="" type="checkbox"/> Neither satisfied nor dissatisfied |
| <input type="checkbox"/> Satisfied | <input checked="" type="checkbox"/> Dissatisfied |

*

4. To what extent did using DRS impact the time required to resolve your dispute versus other Commission processes and/or litigation?

- To what extent did using DRS impact the time required to resolve your dispute versus other Commission processes and/or litigation? Much more quickly
- More quickly
- About the same time
- More slowly
- Much more slowly

*

5. Was your organization able to reduce the costs of resolving your dispute by using DRS?

- Was your organization able to reduce the costs of resolving your dispute by using DRS? Yes
- No
- Unsure

*

6. Please provide estimated cost savings:

- Please provide estimated cost savings: \$1,000 - \$25,000
- \$25,000 - \$100,000
- \$100,000 - \$500,000
- \$500,000 - \$1,000,000
- Over \$1,000,000
- N/A

*

7. Did the parties reach a consensual resolution of the dispute?

- Did the parties reach a consensual resolution of the dispute? Fully
- Partially
- Not Resolved

*

8. Did business relationships improve as a result of the ADR process, even if the dispute was not resolved?

Did business relationships improve as a result of the ADR process, even if the dispute was not resolved? Yes

No

Unsure

*

9. Were the DRS representatives effective?

Were the DRS representatives effective? Somewhat effective
 Very effective Not effective

Effective

*

10. How likely are you to use this service and/or recommend it to others in the future?

How likely are you to use this service and/or recommend it to others in the future? Not likely
 Very likely No opinion

Somewhat likely

*

11. What services can the DRS assist you with in the future?

What services can the DRS assist you with in the future? Early neutral evaluation
 Facilitation Training

Mediation

Consultation

Arbitration

12. The DRS values your feedback and suggestions. Please let us know how we can improve our services to enhance your experience in the future

6. Describe other significant efforts your agency has taken in FY 2009 to anticipate, prevent, better manage, or resolve environmental issues and conflicts that do not fit within the Policy Memo's definition of ECR as presented on the first page of this template.

In FY 2009, the Commission entered into a memorandum of understanding with the State of Oregon with respect to the licensing of hydrokinetic projects. The Commission also entered into a memorandum of understanding with the Department of Interior with regard to the permitting of renewable energy projects in offshore waters on the Outer Continental Shelf.

The Commission continued to implement its hydropower settlement policy statement, approving a settlement involving the 137-megawatt Spokane River Project.

Section 4: Demonstration of ECR Use and Value

- 7 Briefly describe your departments'/agency's most notable achievements or advances in using ECR in this past year.

The most notable advances and achievements in using ECR in FY2009 resulted from partnering opportunities, outreach events, and training activities undertaken by Commission staff:

Training, Outreach and Consultation on Effective ADR/ECR: At the request of the U.S. Department of the Interior, Office of Environmental Policy and Compliance, the Commission's DRS conducted "Natural Resource Negotiation Training" for representatives from the Bureau of Indian Affairs, Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and National Park Service. This training will help the Department of the Interior improve its use of ADR/ECR.

The Commission hosted several Brown Bag Lunch and Learn Events on ADR/ECR tools for environmental conflict resolution. Guest speakers showed documentary films to compare and contrast effective and ineffective environmental case problem-solving processes on cases that eventually ended up in the U.S. Supreme Court. Lively discussion on the benefits of third-party neutral assistance in such cases ensued.

The DRS continued to offer the popular three-part ADR training series described in previous reports to Commission staff and other federal agencies. The DRS also developed and launched a new course, "Difficult Conversations," which was taught several times during the year and widely attended by technical and legal staff that address environmental and cultural resources issues on energy projects.

ECR Leadership Activities: Commission staff co-led the year-long planning and facilitation of the annual Native Network Skills Exchange Workshop (SEW), held in Albuquerque, New Mexico in August 2009. Co-sponsored by the U.S. Institute for Environmental Conflict Resolution and other federal agencies, the group had qualified Non-Native and Native mediation practitioners from 11 Native Nations in attendance. Focusing on the resolution of intercultural issues on environmental projects, three subgroups worked on issues of leadership, membership and recruitment, and education in ECR and Native peacekeeping methods.

Education and Dissemination of Information on ECR Successes: Through publications such as the Commission's ADR Newsletter, the Commission continues to educate and disseminate information to the energy industries, other entities and stakeholders on the OMB-CEQ joint policy on ECR and the use of ECR at the Commission.

8. ECR Case Example

- a. Using the template below, provide a description of an ECR case (preferably completed in FY 2009). Please limit the length to no more than 2 pages.

Name/Identification of Problem/Conflict
Overview of problem/conflict and timeline, including reference to the nature and timing of the third-party assistance
<p>In FY 2008, the Commission’s DRS mediated a settlement between two groups of utilities competing to build a 765-kV power line to carry Kansas wind power to out-of-state markets. The Commission had indicated in conjunction with its proceeding establishing regulations implementing its electric transmission siting authority that</p> <p style="padding-left: 40px;">The Commission believes that it is incumbent on project sponsors and states to work together to site facilities at the state level, as this would be the most expeditious way to site the facilities. To that end, the Commission will make its Dispute Resolution Service available if parties to a state siting proceeding desire assistance to facilitate the resolution of issues at the state level. (<i>Regulations for Filing Applications for Permits to Site Interstate Electric Transmission Facilities</i>, Order Denying Rehearing, 119 FERC ¶ 61,154 at P 36.)</p>
Summary of how the problem or conflict was addressed using ECR, including details of how the principles for engagement in ECR were used (See Appendix A of the Policy Memo, attached)
<p>The mediator engaged the parties in a collaborative decision-making process through which they ultimately agreed to share the \$800 million project. This enabling the project to move forward without further delay which would have resulted from competing proposals.</p>
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 ECR
<p>Having the parties collaborate on a solution that was in the interest of all parties, allowed this project to move through the regulatory process and saving litigation and regulatory expenses. Had the companies proceeded through the adjudicative process: 1) it would likely have taken years not months to reach resolution; and 2) one group would have probably “won” while the other group would have “lost”; alternatively, the needed facilities may never have been constructed. As a result of ECR and the assistance of a third-party neutral, the project will provided alternative energy resources access to an improved energy grid.</p>

Reflections on the lessons learned from the use of ECR

This mediation process demonstrated that when parties collaborate and work together toward a common goal with a third-party neutral, timely results can be achieved, eliminating the need for more expensive and time-consuming adjudicative processes.

- b. Section I of the ECR Policy identifies key governance challenges faced by departments/agencies while working to accomplish national environmental protection and management goals. Consider your departments'/agency's ECR case, and indicate if it represents an example of where ECR was or is being used to avoid or minimize the occurrence of the following:

	Check <u>all</u> that apply	Check if	
		Not Applicable	Don't Know
Protracted and costly environmental litigation;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Unnecessarily lengthy project and resource planning processes;	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Costly delays in implementing needed environmental protection measures;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foregone public and private investments when decisions are not timely or are appealed;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lower quality outcomes and lost opportunities when environmental plans and decisions are not informed by all available information and perspectives; and	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Deep-seated antagonism and hostility repeatedly reinforced between stakeholders by unattended conflicts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

9. 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.

Please attach any additional information as warranted.

Report due January 15, 2010.

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

Attached A. Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving

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