

FY 2013 TEMPLATE
Environmental Collaboration and Conflict Resolution (ECCR)¹
Policy Report to OMB-CEQ

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

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

ECCR is defined in Section 2 of the 2012 memorandum as:

“ . . . third-party assisted collaborative problem solving and conflict resolution in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and water and land management.

The term Environmental Collaboration and Conflict Resolution encompasses a range of assisted collaboration, negotiation, and facilitated dialogue processes and applications. These processes directly engage affected interests and Federal department and agency decision makers in collaborative problem solving and conflict resolution.

Multi-issue, multi-party environmental disputes or controversies often take place in high conflict and low trust settings, where the assistance of impartial facilitators or mediators can be instrumental to reaching agreement and resolution. Such disputes range broadly from policy and regulatory disputes to administrative adjudicatory disputes, civil judicial disputes, intra- and interagency disputes, and disputes with non-Federal persons and entities.

Environmental Collaboration and Conflict Resolution can be applied during policy development or planning in the context of a rulemaking, administrative decision making, enforcement, or litigation with appropriate attention to the particular requirements of those processes. These contexts typically involve situations where a Federal department or agency has ultimate responsibility for decision making and there may be disagreement or conflict among Federal, Tribal, State and local governments and agencies, public interest organizations, citizens groups, and business and industry groups.

Although Environmental Collaboration and Conflict Resolution refers specifically to collaborative and conflict resolution processes aided by third-party neutrals, there is a broad array of partnerships, cooperative arrangements, and unassisted negotiations that Federal agencies may pursue with non-Federal entities to plan, manage, and implement department and agency programs and activities. The Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving are presented in Attachment B. The Basic Principles provide guidance that applies to both Environmental Collaboration and Conflict Resolution and unassisted collaborative problem solving and conflict resolution. This policy recognizes the importance and value of the appropriate use of all forms collaborative problem solving and conflict resolution.”

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

This annual report format below is provided for the seventh year of reporting in accordance with the memo for activities in FY 2013.

The report deadline is February 15, 2014.

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 2013 report, along with previous reports, will establish a useful baseline for your department or agency, and collect some information that can be aggregated across agencies. Departments should submit a single report that includes ECCR information from the agencies and other entities within the department. The information in your report will become part of an analysis of all FY 2013 ECCR reports. You may be contacted for the purpose of clarifying information in your report. For your reference, prior year synthesis reports are available at <http://www.ecr.gov/Resources/FederalECRPolicy/AnnualECRReport.aspx>

FY 13 ECCR Report Template

Name of Department/Agency responding:	<u>U.S Department of Transportation</u>
Name and Title/Position of person responding:	<u>Amy Coyle, Attorney Advisor</u> <u>Jordan Myers, Attorney Advisor</u>
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Date this report is being submitted:	<u>28 March 2014</u>
Name of ECR Forum Representative	<u>Amy Coyle</u>

1. **ECCR Capacity Building Progress:** Describe steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2013, including progress made since FY 2012. Include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases. To the extent your organization wishes to report on any efforts to provide institutional support for non-assisted collaboration efforts include it here. If no steps were taken, please indicate why not.

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

The U.S. Department of Transportation (DOT) has taken the following steps to build programmatic and institutional capacity for ECR in FY2013:

- The Federal Aviation Administration (FAA) works collaboratively with other parties, including the public and other stakeholders, to resolve potential environmental conflicts. When issues may involve ECR, the FAA coordinates with the Operating Administrations in the Department of Transportation. In addition, the Chief Counsel's training curriculum guide includes environmental conflict resolution training courses.
- The Federal Highway Administration's (FHWA) Office of Project Development and Environmental Review has an IDIQ contract with an identified task for conflict resolution, facilitation, and mediation of environmental disputes. This task includes pre-approved third party neutrals that can be used for specific project and/or program related conflicts, disputes, and issues. Funding has been allocated to this task to perform these services when requested.
- The Federal Transit Administration (FTA) increased internal infrastructure support for the environmental review process, including ECCR, by creating permanent environmental protection specialist (EPS) positions in several regional offices. EPSs manage the environmental process, including preventing, identifying, and resolving environmental issues and conflicts. Additionally, EPS contractor support was provided at headquarters and in most regional offices to further support FTA's capacity for environmental management.
- FTA is also investing in the creation of an environmental database for tracking the environmental review process for projects around the country and intends to track issues related to ECCR.
- The Federal Railroad Administration (FRA) NEPA staff has reviewed the ECCR process, in some cases receiving training on ECCR, in the event the methodology is needed to resolve any complaints.

2. ECCR Investments and Benefits

- a) Please describe any methods your agency uses to identify the (a) investments made in ECCR, and (b) benefits realized when using ECCR.

Examples of investments may include ECCR programmatic FTEs, dedicated ECCR budgets, funds spent on contracts to support ECCR cases and programs, etc.

Examples of benefits may include cost savings, environmental and natural resource results, furtherance of agency mission, improved working relationship with stakeholders, litigation avoided, timely project progression, etc.

- FAA did not use third-party ECCR in FY2013. However, non-third party negotiation activities have facilitated the accomplishment of FAA's aviation safety mission, conserved its resources, and promoted better working relationships between the agency and the public and private stakeholders involved.
- In the FHWA, investments include funds spent on the Interagency Agreement to support neutral third party facilitators, FHWA project developments specialists who work closely with our division offices on NEPA issues, the National Transportation Liaison Community of Practice (federally-funded liaisons at resource agencies), and expanded use of programmatic agreements through FHWA's Every Day Counts program. Benefits that FHWA has experienced include improved and strengthened relationships, focus on collaboration, litigation avoided, expedited project delivery, and furtherance of agency mission.
- To identify investments made in ECCR, FTA relies on regularly-scheduled monthly discussions between headquarters and regional offices. The regional offices may also contact headquarters' subject matter experts to discuss individual projects and their potential need for ECCR.

- b) Please report any (a) quantitative or qualitative investments your agency captured during FY 2013; and (b) quantitative or qualitative results (benefits) you have captured during FY 2013.

- FHWA implemented two statewide programmatic Endangered Species Act consultations with the National Marine Fisheries Service (NMFS), one in Washington State and one in Oregon. Approximate costs for the development and implementation of the programmatic were \$350,000 each, based on 2.5 FTEs working 50 percent of their time for two years.

Benefits accrued by the FHWA include improved and strengthened relationships; significant cost savings associated with reduced document preparation times, review times, and project delays; expedited project delivery; increased predictability, furtherance of agency mission, and improved conservation outcomes for listed species. The Oregon programmatic consultation has been in use for approximately one year with over 50 projects processed or in process. Approximately 95 percent of FHWA-funded projects have received coverage, providing an estimated cost savings of over \$800,000, more than paying for the up-front cost of the consultation. This cost savings pertains to the reduction of NMFS liaison staffing from three to one FTE, reducing the

average biological assessment preparation costs of \$20,000 by at least 50 percent and reduced project delays. Similar annual savings are anticipated with the Washington State programmatic consultation once the volume of projects using the process increases. This increase is expected to result from a significant backlog of fish passage projects scheduled in the next 17 years arising from a Tribal lawsuit settlement.

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

- FAA did not use third-party ECCR in FY2013. However, non-third party negotiation activities are applied on a case-by-case basis. It is difficult to determine what would have occurred and the costs associated with these activities if negotiation and collaboration were not used. Although it is clear that these activities have led to better working relationships between FAA and the public and private stakeholders involved, this is hard to quantify.
- FHWA does not anticipate difficulties, as it oversees its contract involving ECCR. It is also actively engaged with its division offices and offers assistance on ECCR conflicts in the field.
- In the current fiscally-constrained environment, FTA has found it difficult for transit providers to justify setting aside money for possible ECCR expenses. It is likely that transit providers would use funds from their projects' contingency funds, but contingency funds can be used for a variety of tasks, so it is difficult to pinpoint or guarantee that ECCR funds are available, thereby making it nearly impossible to generate cost information. Moreover, few transit projects result in difficult disputes that would be ripe for ECCR. Additionally, FTA does not have a tracking system in place to generate cost and benefit information, though FTA is developing a database to track project environmental components/milestones (anticipated to be available Oct. 2014).

3. **ECCR Use:** Describe the level of ECCR use within your department/agency in FY 2013 by completing the table below. [Please refer to the definition of ECCR from the OMB-CEQ memo as presented on page one of this template. An ECCR “case or project” is an instance of neutral third-party involvement to assist parties in a collaborative or conflict resolution process. In order not to double count processes, please select one category per case for decision making forums and for ECCR applications.

	Total FY 2013 ECCR Cases ²	Decision making forum that was addressing the issues when ECCR was initiated:				ECCR Cases or projects completed ³	ECCR Cases or Projects sponsored ⁴	Interagency ECCR Cases and Projects	
		Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)			Federal only	Including non federal participants
<i>Context for ECCR Applications:</i>									
Policy development	___	___	___	___	___	___	___	___	___
Planning	<u>1</u>	___	___	<u>1</u>	___	___	___	___	___
Siting and construction	___	___	___	___	___	___	___	___	___
Rulemaking	___	___	___	___	___	___	___	___	___
License and permit issuance	___	___	___	___	___	___	___	___	___
Compliance and enforcement action	___	___	___	___	___	___	___	___	___
Implementation/monitoring agreements	<u>1</u>	<u>1</u>	___	___	___	<u>1</u>	<u>1</u>	___	___
Other (specify): confidential mediation proceedings and facilitation and conflict resolution for a proposed project (see case example below)	<u>2</u>	<u>2</u>	___	___	___	<u>2</u>	<u>2</u>	___	___
TOTAL	<u>4</u>	<u>3</u>	___	<u>1</u>	___	<u>3</u>	<u>3</u>	___	___
		(the sum of the Decision Making Forums should equal Total FY 2013 ECCR Cases)							

² An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2013.

³ A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2013. 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 2013 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2013 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 2013 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 2013). Please limit the length to no more than 2 pages.

Mid-County Parkway

Overview of problem/conflict and timeline, including reference to the nature and timing of the third-party assistance, and how the ECCR effort was funded

The Mid-County Parkway (MCP) is a transportation project in Riverside, CA. The link to the project website is: <http://midcountyparkway.org/>. The Mid County Parkway is a proposed 16-mile transportation corridor that will relieve traffic congestion for east-west travel in western Riverside County between the San Jacinto and Perris areas and help address future transportation needs through 2040.

The agencies involved in the ECR include: Riverside County Transportation Commission, FHWA CA Division, Caltrans, and seven tribes. The purpose of the facilitation and conflict resolution services is to collaboratively design and plan, as well as to facilitate and document, a series of meetings between tribes and transportation agencies to discuss a landscape study for mitigation for the MCP project, discuss and reach consensus on mitigation for the MCP project, and provide an opportunity of the tribes to participate in the development and review of a proposed MOA.

The agencies and tribes are making good progress toward those goals.

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

So far, much planning and communication has occurred and the contracted neutral, funded by FHWA's Interagency Agreement with the US. Institute for Environmental Conflict Resolution, has designed, facilitated, and documented approximately seven meetings.

The draft MOA contains various mitigation for each tribe as well as specific details of what the landscape study for mitigation will include. The anticipated outcome of the process is a signed MOA between the agencies and parties and a case study documenting the results of the ECR process. It is anticipated the process will conclude in Summer 2014.

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

Expected outcomes include: improved working relationships and a deeper level of trust between the tribes and agencies; a deeper understanding of the tribal concerns regarding mitigation and cultural properties; a signed MOA which addresses the tribal concerns and agencies' concerns; and a case study documenting the ECR process.

Reflections on the lessons learned from the use of ECCR

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

- FHWA'S Rhode Island division office is using ECR for a dispute over the content of a preservation covenant for transfer of archeologically/culturally sensitive land to the protection of the Narragansett Tribe.
- The Los Angeles County Metropolitan Transportation Commission (MTA) plans to construct the Regional Connector Transit Corridor Project (Project) with financial assistance from the FTA. The Project involves construction of a subway line and underground stations through downtown Los Angeles linking the existing Metro to a new station.

Upon completion of the environmental review for the Project, property owners along a portion of the alignment referred to as Lower Flower filed several lawsuits.

The dispute centers on the impacts of the Project construction on a four-block segment of Flower Street between 4th and 7th Street (Lower Flower)—a dense business center in downtown Los Angeles. The plaintiffs contend that MTA should construct at least two blocks of this segment underground using a tunnel boring machine and/or sequential excavation methods to avoid surface impacts posed by the cut and cover construction method MTA intends to employ for Lower Flower. FTA and MTA disagree with Plaintiff's assessment of the severity of the impacts of Project construction on Plaintiff properties, or the feasibility of alternative methods of underground construction along Lower Flower.

Settlement discussions between the parties were required under Federal District Court Central District Local Rule L.R. 16-15.5. At this time, all settlement discussions remain confidential subject to the Settlement Confidentiality Agreement executed by the parties and as provided for by Federal law and local court rules. Therefore, the potential beneficial outcomes are unknown at this time.

6. Priority Uses of ECCR:

Please describe your agency's efforts to address priority or emerging areas of conflict and cross-cutting challenges either individually or in coordination with other agencies. For example, consider the following areas: NEPA, ESA, CERCLA, energy development, energy transmission, CWA 404 permitting, tribal consultation, environmental justice, management of ocean resources, infrastructure development, National Historic Preservation Act, other priority areas.

- FAA has drafted a desk reference for our NEPA procedures that helps to outline coordination and consultation practices for each environmental category (i.e., water, air, biological impacts, etc.) to ensure that stakeholders are notified early in the environmental process and that their concerns are heard and addressed prior to a final document.
- Priority uses for FHWA include expanded uses of programmatic agreements with Federal resource agencies; most recently, development of a range-wide conservation strategy and ESA section 7 consultation for the endangered Indiana Bat covering 25 states.
- In FY2013, FTA published "Environmental Justice (EJ) Frequently Asked Questions" (FAQS) to accompany FTA's revised EJ Policy Guidance (08/15/12). EJ is a priority area for FTA. The FAQs provide further interpretation of how FTA implements EJ in order to prevent conflict over EJ issues. The FAQs are located on FTA's public website along with the other EJ materials.

7. Non-Third-Party-assisted Collaboration Processes: Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2013 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.*

- The Pipeline and Hazardous Materials Safety Administration (PHMSA) has engaged in unassisted collaborative problem solving and conflict resolution with various non-Federal entities. In late 2012 and early 2013, PHMSA was completing work on the 2012 Longhorn EA, and in response to drinking water and endangered species concerns held by the City of Austin and the Lower Colorado River Authority (LCRA), PHMSA required the pipeline operator Magellan to engage in significant additional mitigation actions, including resource-intensive pipeline cutouts to obtain more accurate information to better maintain and manage the pipeline and reduce the threat of a release in the area that is particularly sensitive due to karst aquifers, interconnected waterways, and two Federally listed, endemic species of salamanders. Throughout 2013, as the pipeline commenced operations, PHMSA kept in close contact with the City to address their concerns and provide timely information. As Magellan has now requested additional product capacity on the line, PHMSA has negotiated with Magellan to further expand containment capacity in the unlikely event of a release. PHMSA is pleased that the parties avoided litigation and worked closely to achieve greater environmental protection.
- In response to environmental organizations' concerns about oil and diluted bitumen releases, PHMSA invited the Sierra Club and the National Wildlife Federation (NWF) to our headquarters offices to discuss their concerns and welcome their input on regulatory and policy issues.
- 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 pipelines are operational. In an effort to assist with resolution of these disputes, PHMSA created the Community Assistance and Technical Services (CATS) Program. The mission of the CATS 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. CATS managers 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.
- In 2009, the U.S. Saint Lawrence Seaway Development Corporation (SLSDC) formed the Great Lakes Ballast Water Collaborative, in conjunction with the International Joint Commission, to bring together industry and state and Federal regulators on the issue of ballast water and invasive species in the region. One of the primary goals of the Collaborative is to share relevant, useful, and accurate information and foster better communication and collaboration among the key stakeholders engaged in the effort to reduce the risk of introduction and spread of aquatic nuisance species. A particular emphasis of the Collaborative has been to bring state representatives together with

marine industry representatives and respected scientists to find workable and effective solutions to the aquatic invasive species challenge as they relate to the Great Lakes St. Lawrence Seaway System. The aim of the Collaborative is not to take away from any preexisting efforts in this regard, but rather to complement those efforts.

Since 2005 the SLSDC has met annually prior to the opening of the Seaway navigation season with the St. Regis Mohawk Tribe. Environmental concerns such as ice breaking on the St. Lawrence River are discussed as well as any other environmental or operational issues. This process has provided a forum to discuss any issues that could potentially pose a problem early in the process.

- To encourage early coordination with stakeholders, the FAA has prepared a draft desk reference for FAA's NEPA procedures which helps to outline coordination and consultation practices for each environmental category (i.e., water, air, biological impacts, etc.) to ensure that stakeholders are notified early in the environmental process and that their concerns are heard and addressed prior to a final document.

In addition, the FAA has managed and resolved several environmental conflicts without the assistance of neutrals.

Negotiation/Collaboration was used during the environmental assessment of the aerobatic practice area (APA) at Morris Municipal Airport, IL. The City of Morris (City Mayor, attorney, citizens located around the airport, board members, Airport Manager, and consultants), Great Lakes Region (Legal, Airports, and Flight Standards), and the International Aerobatic Club (IAC) met and discussed the issues surrounding this APA. The city of Morris wanted the APA moved and the applicant did not. The FAA facilitated the meeting and discussed the safety and environmental issues. All parties came to agreement to move the APA one mile, provide advance notification of practice days, and provide 2 spotters for 6 or more aircraft when in use (safety issue).

In August 2013, the FAA issued a Final Environmental Impact Statement (EIS) for Runway Safety Area Improvements at Kodiak Airport, Alaska. These are important safety enhancements and designed to comply with a congressional requirement to improve runway safety areas by 2015. This project will have significant impacts on fish habitat at the mouth of an important salmon river. The proposed mitigation plan in the Final EIS included a \$2 million "in-lieu fee" payment for acquisition of replacement habitat and a \$200,000 payment to the Alaska Department of Fish and Game to fund their subsistence management program on the river. In a letter to the Secretaries of Transportation and the Interior, the Sun'aq Tribe of Kodiak objected to the mitigation plan as inadequate. After publication of the Final EIS, the FAA continued to conduct government-to-government consultation with the Tribe to address its concerns. The result of this consultation was a Memorandum of Agreement between the FAA and the Tribe under which the mitigation for the Project will also include \$450,000 for a five-year post-construction monitoring effort to document the change in habitat and species usage in the area influenced by the freshwater plume around the mouth of the river. This memorandum of agreement was included in the FAA's Record of Decision (ROD). The ROD was signed in September 2013.

DOT and CEQ established the Transportation Rapid Response Team (TRRT) in 2011 to facilitate interagency coordination to improve the efficiency and effectiveness of surface transportation delivery consistent with cultural and environmental mandates.

The TRRT includes participation from DOT –OST, FHWA, FTA, FRA, as well as CEQ and resource agencies, including FHWA’s national transportation liaisons from EPA, ACE, ACHP, and FWS.

- NHTSA actions do not generally create environmental conflict or result in the need for environmental collaboration. NHTSA's main environmental initiatives are the development of EIS for the agency's Corporate Average Fuel Economy (CAFE) rulemakings and Medium- and Heavy-Duty Fuel Efficiency Improvement Program, which set fuel economy and fuel efficiency standards for light-duty vehicles and medium- and heavy-duty trucks sold in the United States. Through the rulemaking process and EIS development, NHTSA incorporates ECR objectives by recognizing the need to proactively engage with other Federal agencies, Indian tribes, stakeholders, and the public to achieve its goals. NHTSA has partnered with the EPA and FMCSA in the development of its EIS documents, and the agency ensures that other interested Federal agencies, Indian tribes, stakeholders, and the public are engaged in the rulemaking and EIS process.

8. **Comments and Suggestions re: Reporting:** Please comment on any difficulties you encountered in collecting these data and if and how you overcame them. Please provide suggestions for improving these questions in the future.

We suggest that questions should be more open-ended instead of multi-part, which allows for inclusion of more details.

As noted in Q.2.c., the lack of data for tracking environmental milestones makes collecting ECCR data difficult. However, some DOT Operating Administrations are developing tools that we anticipate will aid the Department's future efforts.

Please attach any additional information as warranted.

Report due February 15, 2014.

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

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

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