

**The Department of the Interior
Environmental Collaboration and Conflict Resolution (ECCR)
Policy Report to OMB-CEQ for FY 2015**

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| Date this report is being submitted: | <u>March 25, 2016</u> |
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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 2015, 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.

The Department of the Interior (DOI) continues to build institutional and programmatic capacity to encourage the broadest possible appropriate and effective use of ECCR and collaborative problem-solving processes to address environmental conflict. The infrastructure established in DOI to carry out the directives in the OMB/CEQ Memorandum on ECCR include the Office of Collaborative Action and Dispute Resolution (CADR) in the Office of the Secretary (OS), the Interior Dispute Resolution Council (IDRC) comprised of Bureau Dispute Resolution Specialists (BDRS), and the CADR program in the Bureau of Land Management (BLM CADR).

During FY 2015 these organizational structures were strengthened and additional resources were gathered to support ECCR work. CADR and the IDRC focused on working together and engaging partners throughout DOI's bureaus and offices to build organizational capacity for DOI employees to: recognize and manage conflict early; identify opportunities and access resources and assistance to engage interested stakeholders in non-adversarial problem-solving processes to produce durable policies, decisions and solutions; and use conflict resolution tools whenever possible to achieve goals without unnecessary delays or costs. Taken together, in FY 2015 this leadership team included:

- 11 FTEs in OS, one FTE in the BLM,
- two FTEs in Indian Affairs (comprised of the Bureau of Indian Affairs, Bureau of Indian Education and Office of the Assistant Secretary),
- two FTEs in the US Geological Survey (USGS), and
- collateral duty BDRS' that carry out CADR-related responsibilities in many of the other DOI bureaus.

Examples of coordinated capacity-building efforts during FY 2015 included, among other things:

1. Designating an ECCR Lead within the CADR Office;
2. Providing consultation services to individuals, offices, teams, and bureaus on ECCR including education and support for DOI managers on when and how to work with a third-party neutral and education and support for external third-party neutrals about DOI and bureau organizational structures, culture, and coordination needs;
3. Providing leadership education and training as well as basic public participation, collaboration, conflict management, ECCR, and negotiation skills training for managers and employees throughout DOI;
4. Assisting parties within and outside DOI in identifying and acquiring timely, skilled third-party neutral services acceptable to all parties to conduct assessments, assist with process design, and facilitate selected ECCR processes;
5. Building and managing an internal facilitation roster that supports ECCR and other efforts; and
6. Evaluating significant ECCR processes and sharing information on projects, cross cutting initiatives, case studies and lessons learned.

Additionally, the CADR Office established and manages an IDIQ contract as a strategic sourcing initiative for all DOI bureaus and offices to easily and expeditiously procure the services of conflict management professionals nationwide to help manage and resolve environmental conflict. The Solicitor's Office Division of General Law provided general legal guidance and addressed questions raised about collaboration and ECCR processes such as FACA, FOIA, administrative law or confidentiality issues, or on specific processes or negotiation challenges. CADR staff members also continued to represent DOI

on several interagency groups and participated in a variety of interagency efforts to build common understanding and jointly advance collaboration and ECCR.

Training remains a cornerstone of DOI's effort to build capacity for effective conflict management and collaborative problem solving. DOI is committed to building conflict management skills and collaboration competency to improve internal and external communication, stakeholder engagement in planning and decision-making, collaborative problem-solving and conflict resolution in all areas of the Department's work. In short, good conflict management in the workplace leads to good conflict management with external parties and issues. CADR also partnered with the USIECR in FY 2015 on updating and delivering a training course on Collaboration in NEPA.

DOI bureaus and offices are also fully engaged in capacity-building efforts and reported engaging in 113 ECCR cases in FY 2015. DOI bureaus and offices continue to work on their capacity to track and record ECCR activity and their coordination through the ECCR leadership team in CADR and the bureaus to complete DOI's annual ECCR reports. While there remains room for improvement in the Department's use of ECCR and collaborative problem-solving, the sustained use of ECCR processes shows that DOI agencies are seeking to manage conflicts before they reach a formal administrative or judicial adjudicative forum.

Examples of capacity building efforts in the bureaus and offices include:

Indian Affairs – Assistant Secretary, Bureau of Indian Affairs, Bureau of Indian Education:

The Office of Regulatory Affairs and Collaborative Action (RACA) provided four training sessions in FY 2015. The RACA office regularly engages with parties who have matters on appeal before the Board of Indian Appeals and with the CADR Office on ways to provide neutral services in cases that present unique circumstances.

Bureau of Land Management:

The Bureau of Land Management's CADR Program (BLM CADR) resides within the Washington Office Resources and Planning Directorate; Division of Decision Support, Planning and NEPA. First established in 1997 (as the Natural Resource Alternative Dispute Resolution program), BLM CADR provides leadership, guidance, and assistance in collaborative implementation of the BLM's mission "to sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations."

The BLM CADR Program maintains one full-time employee in the Washington Office (WO). The program lead is responsible for policy, guidance, national program coordination and integration, reporting, and analysis. In future, the program plans to pair a field position with the WO program lead to help support

the newly released BLM CADR strategic plan. The remotely located field position would report to the WO and provide on-the-ground support, including communication, outreach, and capacity building.

To further support the program, BLM CADR has 15 appointed BLM CADR coordinators (formerly members of the ADR Advisory Council) which are collateral duty positions in each BLM state and center office. They are subject matter experts in collaborative action and dispute resolution who serve as a point of contact for the field. The BLM CADR coordinators represent their respective offices, provide input and feedback for national policy and guidance, and report to assistant state directors. They connect District and Field offices to ECCR resources such as the DOI In-house Facilitator Roster, the DOI CADR IDIQ contract for external service providers; incentive funding; and training. In addition, they serve as organizers within the BLM CADR community of practice and help report successes and lessons learned for this annual report.

The BLM coordinates issues and integrates programs across the agency, promoting ECCR in the implementation of existing national policies. In particular, the BLM's National Riparian Service Team (NRST) and the National Operations Center, Division of Resource Services (NOC DRS), continue to expand on and provide high-level technical expertise and program support to BLM and its stakeholders. The NRST works directly with people on the land at their location, focusing on their issues and brings interested/affected parties together to create common understanding and build relationships and trust. Since 1996, the NRST has responded to numerous requests for multi-phase assistance from a diverse clientele, and addressed a range of bio-physical and socio-economic issues related to riparian resources across the western US. While currently focused on riparian-wetland issues, this place-based problem-solving approach is applicable to fostering collaborative adaptive management to address any number of resource issues that span multiple landscapes, ownerships, and jurisdictions.

The BLM continued to build capacity for ECCR in FY 2015, in both third-party assisted and unassisted activities, in three primary categories:

Strategic Plan

The BLM CADR Program finalized and published a strategic plan in December 2015: *Transforming Collaborative Action and Dispute Resolution in the BLM: A Strategic Plan*. In 2015, BLM CADR began implementing several strategies and actions contained in the plan, such as providing peer-to-peer learning opportunities and integrating CADR-related competencies into established BLM trainings. The plan is in effect for the foreseeable future and provides a framework for BLM CADR to develop annual work priorities and implementation actions centered around collaboration and dispute resolution, periodically evaluate whether strategic goals are being met, and adjust as necessary.

Policy and Procedures

In FY 2015, the BLM CADR program drafted an Instruction Memorandum (IM) to provide guidance for the bureau's use of DOI's IDIQ contract for collaborative services (Collaborative Services IDIQ). Instruction memoranda are temporary directives that supplement Bureau Manual Sections. The IM responds to lessons-learned from the initial years of using the Collaborative Services IDIQ, and seeks to provide greater consistency and a simplified process across BLM for acquisition requirements, tracking, and quality control.

Training and Capacity Building

In FY 2015, BLM CADR sponsored collaborative competency training for each BLM state office. To further build capacity, BLM CADR initiated a 'community of practice' framework to help employees and practitioners interested in collaboration and dispute resolution connect and share lessons learned. BLM CADR supports this Community of Practice by providing knowledge sharing, peer-to-peer learning, and networking opportunities such as a new quarterly webinar series launched in January 2015. During FY 2015, BLM hosted three one-hour webinars engaging more than 160 BLM employees and other interested agency partners on the following topics: Collaborative Methods in Adaptive Management in the Las Cienegas National Conservation Area, The National Riparian Service Team's Approach to Transforming Conflict: Klamath Basin Case Study, and Convening a Broad-Scale Collaborative: Regional Mitigation Planning and Tribal Engagement in the National Petroleum Reserve-Alaska.

Bureau of Ocean Energy Management:

BOEM continued its efforts to incorporate ECCR principles into carrying out the mission of the bureau as well as increasing institutional capacity for ECCR processes.

Bureau of Reclamation:

BOR increased institutional and programmatic capacity for ECCR in FY 2015 by, among other things: institutionalizing use of ECCR techniques in: Glen Canyon Dam Adaptive Management Program; BOR Owned / Operated Projects; interactions with Tribal Nations; basins where a recovery program is in place for threatened and endangered species; Landscape Conservation Cooperatives; NEPA and NHPA; serving as a neutral mediator / facilitator for addressing and preventing conflicts associated with operational issues or regulatory requirements; and facilitating Value Engineering Studies.

Fish and Wildlife Service:

The Fish and Wildlife Service furthered institutional capacity to engage in ECCR in FY 2015 by offering training courses and by sponsoring several ECCR-related initiatives. Each year the National Conservation Training Center (NCTC) conducts training courses that help build capacity in the FWS and other agencies in collaborative problem solving. The Human Dimension Branch of the

National Wildlife Refuge System also provides training and assistance negotiation skills, science communication, and stakeholder engagement.

Office of Hearings and Appeals:

The Office of Hearings and Appeals (OHA) exercises the delegated authority of the Secretary of the Interior to conduct hearings and decide appeals from decisions of the bureaus and offices of the Department of the Interior. Within OHA, Interior Board of Indian Appeals (IBIA) address Indian matters; and the Interior Board of Land Appeals (IBLA) addresses the use and disposition of public lands and their resources, mineral resources on the Outer Continental Shelf, and the conduct of surface coal mining operations under the Surface Mining Control and Reclamation Act. Appeals can have an ECCR component.

Both the Interior Board of Indian Appeals and the Interior Board of Land Appeals continue to encourage parties to consider direct negotiations or ADR to resolve or narrow the issues in pending appeals. The IBLA specifically evaluates ADR suitability during its disposition of stay petitions, and directs the parties to discuss settlement in appropriate cases. (An automatic stay applies in IBIA appeals, so that Board does not stay petitions.) The Departmental Case Hearings Division (DCHD) uses telephone conferences to discuss settlement prospects with the parties in cases where a hearing has been requested.

Office of the Secretary:

In FY 2015, CADR continued to support ECCR and tribal work throughout the Department's bureaus and offices and expanded use of CADR's ECCR IDIQ contract. Within the Office of the Secretary, third-party neutrals were engaged on the Extractive Industries Transparency Initiative, both domestically and internationally, the Natural Resource Damage Assessment and Restoration Program, the Office of Environmental Policy and Compliance–Environmental Cleanup and Liability Management Team; and the Office of Natural Resources Revenue.

CADR also partners with NPS to provide Collaboration Clinics to assist NPS staff, stakeholders, and partners develop the specialized skills to work collaboratively for more effective planning, decision-making and resource management. Collaboration Clinic trainers work with parks and other clinic sites to increase the in-house collaborative capacity tailored to a park's particular needs or situation. Clinic content combines elements of many different disciplines including communication, conflict resolution, consensus building, designing collaborative processes, facilitation, mediation, group dynamics, neuroscience, planning, interest-based negotiation, public participation, having difficult conversations, organizational development and more. Five Collaboration Clinics were held in FY 2015.

Office of the Solicitor:

The Office of the Solicitor continues to build capacity in ECCR with a concentration in the training area. Training continues to be developed through the Solicitor's Office Junior Attorney Committee to provide opportunities for more junior attorneys to get exposure to the ECCR, ADR, and collaborative problem solving approaches.

Office of Surface Mining Reclamation and Enforcement:

OSMRE strives to collaborate with partners as appropriate. In FY 2015, OSMRE recognized three coal mining companies for their reclamation work, awarding them "Excellence In Surface Coal Mining Reclamation Awards." OSMRE also granted its third ever ECHO (Environment, Community, Humanity, Ownership) Award, which aims to recognize individuals for contributions to support and strengthen the Surface Mining Control and Reclamation Act (SMCRA), the law enacted to protect people and the environment from the adverse effects of coal mining, while providing for the Nation's energy needs, and to mitigate the effects of past mining. These award programs provide positive incentives for the regulated industry and other parties interested in or affected by coal mining to help further OSMRE's mission in a collaborative manner.

National Park Service:

Various NPS programs and activities continue to work on civic/stakeholder engagement processes and to promote ECCR activities and best practices within NPS. The Collaboration Clinics assist NPS staff, stakeholders, and partners to develop skills to work collaboratively in planning, decision-making, and resource management. The Collaboration Clinics also provide planners, superintendents, park staff and other decision-makers practical training, coaching, and practice in using collaborative approaches and processes.

NPS has invested in training for community assistance staff related to core competencies in: Collaborative Leadership, Leveraging Partnerships, Consensus Building, Partner Culture Awareness, Community Outreach & Engagement, Conflict Management, and Coalition Building. Programmatically the NPS' Rivers, Trails and Conservation Assistance program (RTCA) collects and reports on work in over 350 community-based projects affecting an estimated 500 communities, many of which involve collaboration.

2. ECCR Investments and Benefits

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

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

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

The Department tracks investments through the ECCR Report and other means. Through the ECCR Report, we have gathered data relating to investments in FTEs discussed more fully in Question 1. In addition, DOI agencies spent approximately \$2.3 million in FY 2015 through the CADR ECCR IDIQ contract to support ECCR cases and programs. Beyond presenting the investments in FTEs and CADR ECCR IDIQ contract the Department does not currently have a formal process or guidance for tracking and reporting on Department-wide investments made in ECCR or the benefits realized when using ECCR, other than describing qualitative benefits via case study narratives.

Investments in human resources are tracked through performance plans. Conflict management and collaboration performance standards are included in the performance plans of all Senior Executive Service (SES) positions to encourage appropriate use of conflict management and collaborative problem-solving. The CADR office advocates and encourages inclusion of conflict management and collaborative problem-solving performance standards for all DOI employees.

Conflicts in formal administrative or judicial forums are tracked through a case docket system. The Interior Board of Land Appeals, Board of Indian Appeals, and the Department Case Hearings Division rely on their dockets to track the status of their cases, which includes information on whether a case is in ADR.

In cooperation with US Environmental Protection Agency and the US Army Corps of Engineers Institute for Water Resources, CADR began an effort to redesign and obtain OMB approval for new evaluation instruments. We anticipate the new evaluation instruments will result in better tracking of ECCR investments and benefits. We also anticipate the data that will be collected through the new instruments will be useful in improving process design, as well as evaluating both agency and individual performance and process outcomes.

- b) Please report any (a) quantitative or qualitative investments your agency captured during FY 2015; and (b) quantitative or qualitative results (benefits) you have captured during FY 2015.

The methods DOI currently uses to measure the benefits of ECCR include, as noted above, multi-agency evaluation instruments to evaluate process use and measure the performance of ECCR and related activities including training and internal team or group facilitation as well as external situation assessments, facilitated or mediated conflict resolution processes or consensus-building processes.

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

Tracking cost data on a DOI-wide basis is difficult due to the decentralized nature of the Department. Although the CADR ECCR IDIQ contract is a strategic source contract, bureaus and offices may expend funds on ECCR using other contract vehicles. Costs relating to labor performed by government personnel, on the other hand, are harder to assess, as DOI agencies do not require their personnel to break down their time into ECCR and non-ECCR time units. We have found that it is much easier to generate qualitative information regarding the benefits of these processes. Qualitatively, managers may conclude that without the services of a skilled third party, they would not have achieved a successful result. Although subjective, we view these opinions as support for the value of ECCR processes.

Often it is difficult for bureaus to separate “environmental collaboration and conflict resolution” from regular natural resource management planning. Many bureaus routinely practice ECCR principles and methods during other planning and program work, such as Resource Management Plan development and NEPA analysis and document preparation. The following mechanisms have been suggested to assist all the federal environment and natural resource agencies to report ECCR costs and benefits consistently -- develop an OMB approved form for capturing the time and costs incurred by other Federal, state, local, and tribal government partners in these efforts and well as private individuals; and develop a mechanism for comparing combined costs of ECCR process to combined costs associated with litigation.

3. **ECCR Use:** Describe the level of ECCR use within your department/agency in FY 2015 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 2015 ECCR Cases ¹ | Decision making forum that was addressing the issues when ECCR was initiated: | | | | | ECCR Cases or projects completed ² | ECCR Cases or Projects sponsored ³ | 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 | __90__ | __43__ | ___ | ___ | __47__ | Assessments Training Tribal VE Studies | __46__ | __21__ | __5__ | __53__ |
| Siting and construction | ___ | ___ | ___ | ___ | ___ | | ___ | ___ | ___ | ___ |
| Rulemaking | ___ | ___ | ___ | ___ | ___ | | ___ | ___ | ___ | ___ |
| License and permit issuance | __2__ | __1__ | __1__ | ___ | ___ | | ___ | __1__ | ___ | __2__ |
| Compliance and enforcement action | __5__ | __1__ | __4__ | ___ | ___ | | __1__ | __5__ | ___ | __5__ |

¹ An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2015.

² A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2015. 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.

³ 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 2015 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2015 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 2015 cases it should equal total cases that involved only your agency or department with no other federal agency involvement.

*Note: the DOI total does not include matters/cases involving the NPS Rivers and Trails Conservation Assistance Program, which does more than 350 community projects each year many of which involve collaboration. We were unable to determine how many of the collaboration projects involved an active third-party neutral.

| | | | | | | | | | | |
|---|-------------|---|----------|----|------------|---|-----------|-----------|-----------|-----------|
| Implementation/monitoring agreements | __4__ | __1__ | __1__ | __ | __2__ | Settlement Agreement | __3__ | __3__ | __ | __3__ |
| Other (specify): Advisory-procedural; interagency working groups; project operations; science coordination; tribal consultations and engagement | __12__ | __8__ | __ | __ | __4__ - | MOU; Coop Mgt Plan; Coordination; Relationship-trust building; Situation Assess | __5__ | __11__ | __17__ | __13__ |
| TOTAL | 113* | 58 | 2 | | 53 | | 55 | 41 | 22 | 76 |
| | | (the sum of the Decision Making Forums should equal Total FY 2015 ECCR Cases) | | | | | | | | |

4. ECCR Case Example

Using the template below, provide a description of an ECCR case (preferably completed in FY 2015). Please limit the length to no more than 2 pages.

ARGENTA GRAZING ALLOTMENT ASSISTANCE

BLM BATTLE MOUNTAIN DISTRICT, NV

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

The Argenta Allotment consists of 331,518 acres — approximately half public/half private. In 2014, BLM temporarily closed nine use areas within the allotment because of the drought situation. This BLM action effectively eliminated use on the entire allotment due to the lack of fences and was the subject of heated controversy throughout the grazing season. Ranchers launched a ‘Grass March’ carrying a petition for the District Manager’s removal and involving a horseback journey across the state to the Governor and across the country to officials in Washington, D.C.

In December 2014, the BLM Nevada State Office (NVSO) requested the BLM National Riparian Service Team (NRST) provide assistance with stakeholder engagement. In mid-January 2015 NRST completed a situation assessment addressing drought, sage grouse, livestock grazing, wild horse and burro management, invasive species, fire, and other issues. Following the situation assessment the NVSO, the Battle Mountain District Office, and the permittees requested conflict resolution assistance with the Argenta allotment in Battle Mountain to: (1) develop a short-term grazing management plan (3-year trial period) that allowed for replacement of the temporary closures with management while protecting range resources; (2) design and implement a robust monitoring program; and (3) foster collaboration and cooperative working relationships.

An independent mediator, together with NRST conflict resolution specialists, assisted the parties in related litigation in June 2015 to finalize settlement agreements for both the Argenta allotment and the Battle Mountain Complex allotment, which were approved by the judge. In July 2015, the Cooperative Monitoring Group (CMG), created by the settlement agreement, was organized and began meeting to address activities and actions related to implementing the settlement, including: proposed riparian-wetland enclosures, riparian/upland monitoring locations/methods, allotment boundary fence, stockmanship progress, and CMG functions.

BLM provided funding for NRST involvement and the third-party mediator.

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

A situation assessment was completed on topics related to the BLM in Northern Nevada, including grazing responses to drought. One recommendation that followed from the assessment was for NRST to provide assistance to the Argenta conflict. Both the State and District offices decided to move forward with this recommendation; and NRST was requested to work with various parties to develop a plan to replace closure with management. NRST developed a detailed work program in 2015, including development of low-stress stockmanship program and development and implementation of a monitoring program. Emphasis was placed on working through all issues transparently. The process included a formal dispute resolution process. NRST also made recommendations when disagreements occurred. Local managers reviewed the NRST recommendations and any disputes to determine appropriate management actions.

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

- Completion of a situation assessment involving over 185 people in Northern Nevada to frame the issues and conflict and set the stage for developing a reasonable approach for potential resolution.
- Completion, through mediation using a third-party neutral, of a 3-year settlement agreement between BLM and the Argenta permittees that protects range resources while allowing for the replacement of the temporary closures with management.
- Creation of the cooperative monitoring group (CMG) to advance a mutually agreed upon monitoring program that includes: stratification and selection of monitoring sites; selection and refinement of monitoring protocols; cooperative collection of monitoring data; review and analysis of end-of-season monitoring data; and trusted data are being collected in compliance with the settlement agreement.

The CMG is developing working relationships based on respect and trust to work collaboratively and cooperatively on management of the Argenta allotment. Permittees appear to accept the monitoring data that is being collected as scientifically valid and professionally acquired. The CMG is working to resolve problems associated with poorly located monitoring sites and some problems associated with vague or ambiguous directions in monitoring protocols.

Overall, this approach has contributed to a more transparent, trusted, and civil working environment among all parties. Both communication and commitment are improving. Permittees are working to improve range conditions and BLM staff are working through a collaborative management process that includes continued grazing instead of allotment closures.

Reflections on the lessons learned from the use of ECCR

Building relationships and an environment of trust between key stakeholders (from all sides of the issues) and the neutral third-party were critical to identifying the issues and enabling the conflict management process to move forward. Experienced and skilled facilitators/conflict resolution specialists and technical subject matter experts must be used when intervening in conflicts of this magnitude.

Throughout all phases of the process constant, inclusive, well-conceived communication and transparency through were critical to minimize misunderstandings and prevent the erosion of trust. The adage that 'trust is hard to earn and easy to lose' applied here. Care needed to be taken to avoid assumptions that could derail the process. Attention must be given to take purposeful steps designed to address the issues; and disagreements must be dealt with as they arise and not postponed for later.

Building relationships and trust in a highly charged environment with a great deal of technical complexity is a slow process that must be approached deliberately. Attempts to shortcut the process commonly fail as communication breaks down and trust evaporates. Due to the compressed nature of the work revolving around the Argenta settlement agreement, the parties were constantly challenged to adhere to these tenants.

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

BLM Alaska

Northeastern National Petroleum Reserve Regional Mitigation Strategy

BLM Alaska worked with two third-party facilitators to develop and execute a stakeholder engagement plan for the Northeastern National Petroleum Reserve Regional Mitigation Strategy (RMS). The RMS commenced in FY 2015 and is expected to be an 18-month process (concluding in FY 2017).

Western Arctic Caribou Herd Working Group and Game Management Unit 23 Working Group

Anchorage Field Office is the lead office for an interagency agreement with NPS and FWS and Alaska Department of Fish and Game to convene the Western Arctic Caribou Herd (WACH) Working group. There is an MOU and a Cooperative Management Plan in place. The working group, which uses a third-party facilitator, serves as a forum for outreach and information sharing with other stakeholders including villages within the range of the WACH, environmental groups, and commercial service providers. Biologists and managers from other BLM field offices also

attend the meetings. With the assistance of another facilitator, the GMU 23 Working Group is a cooperative agreement between all the federal agencies and Alaska Fish and Game to help resolve user conflict issues in that game management unit.

BLM Montana-Dakotas

Northern Plains Tribal Enhancement Effort

In May 2014, the Advisory Council on Historic Preservation convened a Northern Plains Tribal Summit in Fort Yates, South Dakota to improve consultation, communication, and collaboration among the Tribes and federal agencies. The conclusion of the summit highlighted a need for BLM to build and sustain relationships, openness, and trust with Tribal partners in the region. BLM Montana/Dakotas and BLM Wyoming involved third-party neutrals to look at existing tribal consultation efforts and establish a more thoughtful, integrated consultation approach that is “fair, firm, and consistent” for all participants. The BLM adopted a phased approach, including conducting an internal assessment about a variety of tribal engagement issues (complete); working with other Federal and state agencies and industry representatives to identify similarities and differences, as well as best practices and lessons learned in their tribal consultation efforts (underway); and conducting an external assessment with the Northern Plains Tribes to understand their needs and to potentially discuss and receive feedback.

BLM Nevada

Sheep Grazing Permit Renewal

The Ely District Office engaged a third-party neutral to help conduct meetings and facilitate discussions between a grazing permittee seeking a permit renewal and BLM managers and grazing program staff. By late FY 2015, three successful meetings had occurred and likely will continue as needed.

BLM Oregon-Washington

San Juan Islands National Monument

This newly designated National Monument engaged third-party facilitators to help establish and improve working relations with stakeholders and cooperators to assist the recently established Monument Advisory Committee develop working relationships; the BLM and NPS in facilitating a terrestrial managers’ workshop; and the Monument Manager in exploring issues and solutions related to management at Iceberg Point.

Western Oregon Resource Management Plan Revision

The BLM with Oregon Consensus have worked together over the past two and a half years to convene a series of public outreach sessions as part of the BLM’s Western Oregon Resource Management Plan (RMP)

revision process. In May and June 2015 following release of the Draft RMP, a third-party neutral facilitated a series of open houses and workshops to educate and engage the interested parties during the formal public comment period in 7 outreach sessions. Workshops included facilitated dialogue and in-depth question and answer sessions focused on the following topics: Forest Management and Wildlife, Riparian, Socio-Economics, and Recreation. Partner agency specialists from Oregon Department of Forestry, EPA, NOAA Fisheries, FWS, and the Forest Service added technical expertise and knowledge. Additionally, the BLM hosted an 'Elected Officials and Public' session, combining the open house and issue-specific format, and visited six Oregon Tribes who have an interest in the plan to engage in formal government-to-government consultation. The facilitator also assisted the BLM, FWS, and National Marine Fisheries Service with ESA consultation related meetings, which are expected to continue throughout the RMP revision process.

BLM Utah

Grand Staircase Escalante National Monument Management Plan Amendment for Livestock Grazing

The Grand Staircase Escalante National Monument (GSENM) continued to work on and emphasize collaborative efforts during FY 2015. A key focus was working with a third-party neutral to plan, implement and facilitate a Restoration Forum in Kanab, UT. As part of the on-going grazing amendment to the RMP, and associated environmental impact statement (EIS) process, many questions and concerns have been raised about restoration. The Restoration Forum was developed to bring scientists and specialists together in a public forum to discuss various aspects of restoration; from defining restoration to evaluating the merits of various tools and techniques. In addition, the third-party neutral has assisted with development of background materials and frequently asked questions regarding each stage of the EIS process to increase understanding of the environmental planning process.

BLM Washington Office

Science Coordination

Third-party facilitation was used to increase coordination and understanding between consumers of science related to restoration in sagebrush communities in the Great Basin and providers of this science. Thirty-two representatives of the BLM, USGS, USFWS, USFS, NRCS, and WAFWA met in Washington, DC from July 29-31, 2014 to identify priority management questions and science needs in this arena. In FY 2015, outreach efforts were conducted with approximately 100 science consumers and science providers, drawing from a broader community than was represented at the July 2014 meeting, which resulted in a prioritized list of management questions and their

corresponding science needs. For example, USGS and BLM are jointly funding a multi-year research project that follows up on the research published in FY 2014. USGS has conducted periodic webinars to communicate with BLM field personnel about on-going work and as a result of this coordination, made significant alterations to the geographic scope, study design, and monitoring protocols. Also, managers and scientists are working to jointly identify and prioritize science needs within the Secretarial Order 3336 planning and implementation effort.

Wild Horse and Burro Program

In late FY 2015 the BLM began working with third-party neutrals to develop a stakeholder engagement model and best practices for the Wild Horse and Burro Program.

BLM Wyoming

In addition to co-sponsoring and participating in the *Northern Plains Tribal Enhancement Effort*, the Rawlins Field Office engaged a third-party facilitator for the Chokecherry Sierra Madre Wind Farm Project mitigation committee established to address compliance with Section 106 of the National Historic Preservation Act (NHPA).

Bureau of Reclamation

Flathead Indian Water Rights Claim in Montana

A technical facilitator provided by Reclamation has run the collaborative meetings between the Confederated Salish and Kootenai Tribes (CSKT), the State of Montana, and the Federal Team appointed by the Secretary of the Interior, to find areas of agreement and narrow areas of disagreement on the potential use of Reclamation's Hungry Horse Project in Montana as a source of supplemental water for settling the Tribes' water rights claim.

Fish and Wildlife Service

Examples included:

- FY 2015 Harvest Management Working Group (HMWG) Facilitated Meeting – the HMWG, a group of federal and state biologists and biometricians, provides technical input to guide the annual promulgation of Waterfowl Regulations in the United States and communications tools to inform stakeholders and the general public on preferred management alternatives. The information resulting from these annual meetings is used by the USFWS and its State partners to make better informed management decisions regarding waterfowl hunting in the United States.

- Incidental take of migratory birds -- facilitation of public scoping meetings as part of the preparation of a Programmatic Environmental Impact Statement (PEIS) to evaluate the potential environmental impacts of a proposal to authorize incidental take of migratory birds under the Migratory Bird Treaty Act and a wind energy technical workshop about best management practices and siting considerations employed by the wind energy industry to prevent or minimize avian mortality at wind energy generation facilities.
- Greater Sage Grouse Status Determination – facilitation of internal meetings about natural resource and environmental issues and program areas.

Office of Surface Mining Reclamation and Enforcement

OSMRE used third-party neutrals to assist with the rulemaking process for the proposed Stream Protection Rule, along with the associated Draft Environmental Impact Statement and Regulatory Impact Analysis. OSMRE held six public hearings in September, 2015 in Denver, CO; Lexington, KY; St. Louis, MO; Pittsburgh, PA; Big Stone Gap, VA; and Charleston, WV.

National Park Service

Natural Sounds and Night Skies Division Workshop

NPS hosted a workshop involving lighting engineers, manufacturers, and designers together with park managers to discuss protection of park resources and values from artificial light, and produce recommendations about best available technologies and best management practices for minimizing the negative effects of artificial light in parks.

Collaboration Clinics

This is an emerging model for helping NPS staff, stakeholders, and partners develop the specialized skills to work collaboratively for more effective planning, decision-making and resource management. Many aspects of existing NPS policy and guidance speak to the value of developing integrated, collaborative approaches to accomplishing our mission and getting our collective work done. Collaboration Clinics provide planners, superintendents, park staff and other decision-makers practical training, coaching, and practice in using collaborative approaches and processes. Collaboration Clinics also use a train-the-trainer model to increase internal capacity and the potential for expanding the program.

Collaboration Clinic trainers work with intact park units and other clinic sites to increase the in-house collaborative capacity in a way that is tailored to a park's particular needs or situation. Clinic content combines elements of many different disciplines including communication, conflict resolution, consensus building, designing collaborative processes, facilitation, mediation, group dynamics,

neuroscience, planning, interest-based negotiation, public participation, having difficult conversations, organizational development and more.

Clinic trainers are NPS and DOI staff (including CADR) that are trained and experienced in facilitation and collaborative problem solving. Facilitators approach each Clinic site as a symbiotic community of players -- some Federal employees, business people or local officials, and passionate individuals or organizational partners.

Five Collaboration Clinics were held in FY 2015 Lake Mead National Recreation Area (Arizona), NPS Urban Fellows (San Francisco, CA); Intermountain Regional Office (Denver, CO); New York City Parks and Partners; Zion National Park (Utah).

Cases involving USIECR Assistance

- National Parks Overflights Advisory Group, 2009-2015
- NPS Air Tour Advisory Committee (ATAC) Meeting Facilitation, 2015
- NPS Voluntary Agreement Lessons Learned Report, 2015
- NPS Natural Resources Advisory Group Facilitation, 2014-2019
- NPS-BOR Glen Canyon Dam Joint EIS Process, 2012-2015
- NPS Glen Canyon National Recreation Area Assessment, 2015
- NPS Natural Resources Advisory Group Assessment, 2015

Cases involving USIECR with NPS as a Participant

- NPS Isle Royale S106 NonTribal Consulting Party Facilitation, 2014-2015
- DOI National Landscape Conservation Cooperative Coordination, 2011-2016
- Missouri River Basin Interagency Roundtable, 2010-2015
- Missouri River Recovery Implementation Committee, 1999-2017
- FHWA ODOT Eastern Corridor Facilitation, 2013-2015

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.

Bureau of Land Management

- Greater Sage-Grouse Habitat Conservation
- Landscape Approach and Planning 2.0
- Tribal consultation
- NEPA Renewable Energy
- Oil and Gas
- Air Quality
- Climate Change

Bureau of Reclamation

There are four priority areas where ECCR has been used successfully:

- Project operations
- Facilitating compliance with Federal environmental laws such as the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA) –and the Endangered Species Act.
- Using a facilitated process to address technical, engineering or design issues through the Value Engineering Program.
- Using a facilitated process to avoid litigation and more rapidly resolve Tribal issues and address Indian Water Rights claims.

Indian Affairs

Indian Affairs engages in meaningful tribal consultation on issues directly impacting Tribes and individuals and continues to work with the Department on questions regarding consultation, especially as it pertains to cultural customs and communication styles.

NPS Collaboration Clinics

The NPS Rivers, Trails & Conservation Assistance Program (RTCA), in partnership with the CADR Office and other NPS staff, is piloting Collaboration Clinics to help NPS staff and leadership develop specialized skills needed to work more collaboratively across disciplines and with external partners and stakeholders in order to support more effective planning, decision making and resource management. The program is currently being conducted at NPS sites to increase collaborative capacity while focusing on site-specific situations. Using a lead trainer/ apprentice trainer model, clinics also prepare future trainers. The NPS is gearing up to hold 10-12 clinics per year at the invitation of NPS units.

7. Non-Third-Party-assisted Collaboration Processes: Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2015 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.*

DOI Agencies collaborated without the aid of a third-party neutral on many occasions in FY 2015. The following are illustrative examples:

Bureau of Land Management State Offices

BLM State Offices participate in many collaborative groups. Examples include:

- Arctic Policy Group
- Desert Advisory Council; Interagency Coordinating Committee for the Flat-tailed Horned Lizard
- Landscape Conservation Cooperatives
- North Slope Science Initiative Oversight Group and Science Technical Advisory Panel
- Rivers of the Chesapeake Collaborative
- Wyoming Governor's Sage Grouse Implementation Team

BLM Arizona is encouraging the use of collaborative techniques to reach broader audiences in a wide range of activities, including resource management planning, outreach to Tribes, and assessing how climate change will affect the people and communities who use Arizona public lands. BLM Arizona is taking an active part in the Desert Landscape Conservation Cooperative and the Landscape Conservation and Design Project. Both efforts are led by the U.S. Fish and Wildlife Service and are international in scope, explicitly involving the Mexican government and academic entities. Both landscape level planning efforts are multi-agency and strive to include private landowners, local municipalities, non-governmental organizations, and other parties.

In September 2015, BLM California signed a Programmatic Agreement (PA) for National Historic Preservation Act (NHPA) Section 106 and NEPA compliance associated with a travel management planning project covering 3.1 million acres of public land within a 9.4 million-acre planning area within the Barstow Field Office. The PA is the result of a year-long consultation effort with signatories and 64 additional consulting parties representing federally and non-federally recognized tribes, local, state, and federal government entities, rock art, trail, and historical societies; recreation interest groups, and individuals with demonstrated interest in the project. Twenty-four of the parties that participated in development of the PA signed on as concurring parties, including five Tribal entities, various federal, state and local jurisdictions and agencies, historical societies, and other interested parties. The travel plan is scheduled for adoption in late 2016.

BLM Eastern States and the U.S. Forest Service Southern and Eastern Regions are entering into a Memorandum of Understanding (MOU) with the shared goals of managing federal oil and gas lease parcels pursuant to laws, regulations, and policies applicable to leasing on Forest Service-managed lands.

The BLM Montana-Dakotas is developing new Resource Management Plans for multiple offices in Montana: Billings, Miles City, South Dakota, North Dakota, and Lewistown field offices, and the HiLine District Office. This will involve estimating future potential air quality impacts via a regional, multi-state air quality modeling study and Photochemical Grid Modeling Study to investigate potential ozone and criteria pollutant impacts from projected mineral development and other BLM-authorized activities in Montana and North and South Dakota. The BLM is collaborating with other federal, state and local agencies as well as Tribes and the public that will be affected to model these impacts.

The BLM New Mexico Farmington Field Office fostered a relationship with the National Park Service, San Juan Citizens Alliance, Chaco Alliance, National Trust for Historic Preservation, the Hopi Tribe, and other groups to better determine how to identify, define, and analyze a myriad of potential effects from potential oil and gas leasing and development near Chaco Culture National Historic Park. Through extensive outreach, the BLM encouraged dialogue and developed working relationships that facilitated candid discussion of important but complex natural resource management issues, including the need for balanced energy development. The BLM recognizes the importance of the cultural resources associated with the park and the landscape that extends beyond the park, and, in consultation with partners, endeavors to ensure protection of these values consistent with valid existing rights and other laws, regulations, and policies. BLM anticipates finalizing an MOU with the National Park Service in FY 2016.

The NRST (National Riparian Service Team) continued to provide ECCR assistance to support the Upper Klamath Basin Comprehensive Agreement, a historic pact signed in April 2014 to restore fisheries and stabilize the agricultural community after decades of division between various stakeholders in the Klamath Basin (a region in Oregon and California drained by the Klamath River).

In February 2015, the BLM Wyoming Worland Field Office coordinated with the Washakie County Commissioners to provide one-day training for the oil and gas program in the Bighorn Basin. Participants included operators, environmental consultants, permitting agents, contractors, local government officials, and BLM employees.

Bureau of Reclamation

BOR continues to use Collaborative Competency Training as an important tool to anticipate, prevent, and better manage or resolve conflict associated with environmental issues and natural resources management. Through this training, Reclamation water managers are provided with resources and tools to enhance consensus building and relationship building skills. A training manual and a set of teaching modules to provide collaborative competency training were developed for Reclamation employees drawing on Reclamation staff experiences' with water resource conflicts. This set of specialized tools and teaching modules has been designed to aid managers in detecting, preventing, and mitigating water related conflicts, and fostering collaboration and help better prepare Reclamation staff to proactively monitor and plan for change; to

detect and resolve unforeseen conflict; and to create agency-wide incentives for conflict management and prevention.

National Park Service:

Examining Civic Engagement in the NPS.

NPS continued in FY 2015 to examine the current state of civic engagement for natural resource issues in the NPS and the role of civic engagement in the evolution of natural resource conservation and public participation.

Office of Surface Mining Reclamation and Enforcement:

OSMRE's interaction with state and federal agencies to resolve developing conflicts or avoid potential conflicts embodies the principles of environmental conflict resolution and collaborative problem solving. OSMRE regional and field office managers recognized opportunities to engage with state and federal agency counterparts to better understand agencies' missions and processes, and to coordinate those processes where possible to reach decisions based on shared data and analysis.

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.

Reporting difficulties have been challenge again this year, including the following:

- a lack of enthusiasm or urgency for preparing the report;
- a lack of internal resources in some bureaus and offices to categorize, collect, or analyze the data required for the report which could result in them not providing a comprehensive report;
- a lack of consistent reporting within and across bureaus and offices – some regions reported activities that likely are carried out in other regions and not reported;
- continued confusion about terms in the report causing some reporting units to interpret terms more narrowly than others even though more detailed instructions are provided each year; and
- facilitated processes with other Federal, state, or non-governmental entities may not have been reported that did not involve funding or sponsorship.

The CADR Office plans to review the reporting structure and responsiveness during FY 2016 with a view towards improving both the reporting and coordination with the bureaus and offices in preparing the report.