

**Proposed Rocky Mountain Energy Council
Implementation Strategy Meeting
Federal Center, Denver, CO
July 8 and 9, 2003**

Final Summary

An intergovernmental planning meeting of the proposed Rocky Mountain Energy Council (RMEC) was held in Denver, Colorado on July 8-9, 2003. Participants included the States of Utah, Wyoming, Colorado, Montana and those Federal and State Agencies with responsibilities for managing energy projects on public lands within these States (Representatives from land management agencies in the State of New Mexico were also present. See Attachment A for a list of attendees and Attachment B for a list of agreements). The overarching objective was to evaluate the creation of a RMEC, determine what the expectations would be for a Council, and determine what would be needed to implement the first official Council meeting by the end of the calendar year.

Schedule of Action Items:

When	Action Item	Who
July 2003	Continued development of cross cutting budget (bring the information to the August 2003 meeting).	White House Task Force on Energy Streamlining (WHTF)
July	Draft a Charter* document. This will include attachments for decision making/ stakeholder identification, dispute resolution, and communication processes. Charter will clearly delineate scope of RMEC, where authority, responsibility, and accountability rest, and outline agency direction and resources. (Bring draft to the August 2003 meeting).	Bob Dach, US Fish & Wildlife and RMEC volunteer work group
July	Website – collect models of sites with parallel efforts (e.g. collaborative, intergovernmental) for presentation in August meeting.	RMEC Staff
July	Identify an interim communication advisor to be up to date on the progress of the RMEC and offer advice on an as needed basis.	Paul Dobie US Army Corp of Engineers
July	State and Federal members will begin to meet with State Governor's offices to: <ul style="list-style-type: none"> ○ identify projects of mutual interest and benefits ○ gather their concerns ○ update them on the status of the RMEC ○ establish personal relationships/partnerships ○ get commitment to attend the December RMEC 	RMEC State representatives and Federal representatives
July	Draft PERT chart/Decision Path with State and Federal processes with an initial focus on oil and gas permitting (bring to the August 2003 meeting)	Robbie Roberts and Rick Cables (Interim Chair and Vice Chair)

July	Draft job descriptions and selection criteria for 2.5 FTE RMEC staff positions (bring to the August 2003 meeting)	Robbie Roberts and Rick Cables
July	Draft a background document on how IPA's (Intergovernmental Personnel Act) function, and how RMEC might benefit from this	RMEC staff
July	Schedule the date for the December 2003 meeting	RMEC staff
July	Develop a list of resources acquired (financial and/or in-kind) – agencies and what they have offered to provide	WHTF
August 2003	Interim RMEC meeting, August 26 th , to reach agreement on how the RMEC will operate. The agenda will include some or all of the following draft documents for review, comment, and discussion: <ul style="list-style-type: none"> ○ Charter – including decision making process, stakeholder identification process, RMEC internal communications ○ Outreach to interested stakeholders (public input) ○ Job description for staff ○ PERT chart/Decision Path ○ Background on IPA's and how they work ○ Update on meetings with State Governors ○ Decision regarding duration of interim status Chair/Vice chair positions ○ Provisions for ongoing funding 	
August	Organize the August 26 th meeting – logistics, location, agenda	RMEC staff, Robbie Roberts and Rick Cables
October 2003	Circulate a URL for the draft website to RMEC members for review	RMEC Staff
December 2003	First official public RMEC meeting to discuss and decide on a list of actions and protocols. Proposed agenda items may include: <ul style="list-style-type: none"> ○ Review and establish process to finalize the Charter ○ Decide on a communication model and team ○ Discuss a list of actions that demonstrates commitment of RMEC members ○ Review a draft comprehensive implementation plan that outlines measurements of success ○ Discuss and give direction to staff on website design/function 	
December	Organize the December meeting – logistics, location, and agenda	RMEC staff, Chair and Vice Chair
December	Launch the RMEC website following the December 2003 meeting	RMEC staff

*There were a number of terms and documents discussed that would satisfy the interests of codifying how this group will work. These included charter, memorandum of understanding, and operating protocols. It is less

important at this time to define what these documents are called, and more important to begin to flesh out what follows as the charter description above.

Meeting Objectives

1. To establish operating protocols
2. To develop a shared understanding of the goals of the RMEC
3. To generate detailed consensus recommendations and/or options to the RMEC on issues related to implementation

Setting the Stage for Achievement

Several keynote speakers set the stage for the work to be accomplished in this meeting. These included: James Moseley, Deputy Secretary, Department of Agriculture; Conrad Lass, Chief of Staff, Bureau of Land Management; Bryan Hannegan, Council on Environmental Quality, and Jack Belcher, Staff Director, Subcommittee on Energy and Mineral Resources, House Resources Committee. Themes evoked included the importance of providing energy to the American public, support for the approach of early collaboration and cooperation that balances responsible energy development on public lands with protection of natural resources in the West, intergovernmental partnerships, transparency and effective stakeholder engagement. It was stressed that all forms of energy—whether it be a wind field, traditional natural gas, or coal—are important to America, but it was also important to develop any of these public energy resources in a responsible manner.

Bob Middleton, Director of the White House Task Force on Energy Project Streamlining (WHTF) welcomed participants and gave them a clear picture of the origin, intent, and design rationale for the proposed Rocky Mountain Energy Council (RMEC) to date. The RMEC is the next logical next step from the memorandum of understanding signed by the Western Governors Association. The idea driving this effort is twofold: to take a long-term perspective on managing renewable and nonrenewable energy resources on public lands, including their identification, production, and transmission to market, and to work proactively and collaboratively—between States and Federal Government, within the Federal Government, and with all concerned stakeholders—to plan for the future. We need to develop a better management model for making decisions on public energy resources. The RMEC will focus on developing a more effective management strategy for environmentally responsible energy development and energy policy issues on Federal and State public lands in the Rocky Mountains; to develop solutions that move state and federal policies on energy development to work in concert rather than in conflict. The RMEC is intended to identify and build on the successes of similar efforts and not supercede them.

The WHTF is working to identify and pool resources from various agencies (both on the RMEC and impacted by them) to help the RMEC succeed; this will include funding as well as in-kind resources. Currently, the Bureau of Land Management has provided one and a half full-time staff and offices in Colorado, the Forest Service provided one full-time staff person to help kick off the first meeting, and the Department of Energy provided funding for facilitation services at this meeting and future data management and acquisition.

The role of RMEC members is to work collaboratively with State and Federal agencies responsible for managing, authorizing, consulting on, reviewing, or certifying renewable and

nonrenewable energy projects on public lands in order to: identify and solve permitting issues; involving public input; determine the best processes; form partnerships, and collect data for decision making. Membership is intended to reflect those State and Federal agencies managing, certifying, authorizing, consulting on, or commenting on energy resources on public lands. Success for the RMEC will be determined by the sustained level of commitment of RMEC members and their ability to operationalize that commitment in their home organizations.

Doug Larson from the Western Governors Association (WGA) briefly described a few WGA actions for the Council to be aware of:

1. WGA negotiated and signed transmission siting protocols that articulate how interstate issues will be addressed.
2. WGA is working on interstate transmission development projects, paying close attention to the interconnectedness of the system.
3. WGA will monitor the regional planning process focused on transmission, the western interconnection of eleven states.

Organizational Meeting Overview/Introductions

Kathleen Rutherford (facilitator) reviewed the agenda, roles and responsibilities of participants. For this meeting, members include those responsible for managing, authorizing, consulting or commenting on, reviewing, or certifying renewable and nonrenewable energy projects on public lands. This includes senior level decision makers from land management agencies, federal regulatory and reviewing agencies, and senior level staff from state Governor's offices. The focus for RMEC members for this initial meeting was to listen, build agreement where possible, and vote when necessary to build the most effective agenda for a December, 2003 meeting. The role of State and Federal staff surrounding the RMEC table was to participate in discussions, generate and exchange data/field stories in order to create the best informed implementation strategies. Consensus, for the purposes of this meeting, is defined as broad agreement; a decision with which everyone can live.

Members of the RMEC introduced themselves and described the outcomes they believed would define a successful meeting. Many said that success would be to leave the meeting with clarity and a common understanding about the roles, goals, scope and function of the RMEC, as well as some concrete action items/next steps to move toward the first RMEC meeting in December 2003.

Lessons Learned

In order to provide background to participants on similar endeavors, presentations were given on the Federal Leadership Forum (Bill Daniels, BLM), the Southwest Strategy (Harv Forsgren, Forest Service), and the Columbia River Basin Salmon Recovery Project (Ted Boling, CEQ).

Below are some cross-cutting elements to which success was attributed:

- An MOU with a dispute resolution process
- Early NEPA involvement
- Inter-agency agreements on issues
- Protocols and guidance
- Collaborative approach to modeling and analysis
- A high level of commitment, including local and federal levels
- Active management by empowered executives

- Adaptive management
- Clear expectations and accountability
- Performance measures/progress reporting
- Respect for member agency roles and authorities
- A skilled Executive Director and a small dedicated staff
- Transparency/access to information.

Setting the Stage for the Breakout Sessions

Six issues sets were identified for further exploration based on conversations with participants prior to the meeting. Three concurrent sessions were held twice in the one and one half day meeting. Four broad topical reviews were given by team leaders to the whole group prior to the first set of breakout discussions. John Corra, Wyoming, presented information on building State and Federal partnership; Jim States, DOE, presented information on key components of communication; John Krummel, Argonne Lab, presented information on how to approach data sharing/data management; and Kathleen Rutherford, RESOLVE, presented briefly on principles of conflict resolution and decision making processes.

Objectives of the breakout sessions were to generate detailed conversations and exchange various experiential perspectives on what works and what doesn't, to effectively shape implementable recommendations, to identify those areas where more information is needed, to propose consensus solutions to identified issues where possible, and where there is no consensus, to generate options for consideration. Each Breakout team had a team leader, facilitator and recorder. Teams developed recommendations or options, then categorized them into short-term (prior to December 2003) and long-term action items (after December 2003). Following the sessions, the team leaders presented the discussion and recommendations and/or options of their team to the whole group. The RMEC made final decisions as to what got on the long and short term calendars.

Breakout sessions addressed the following topics/objectives:

- Team 1** — State/Federal Partnerships - Develop a process to build State/Federal Partnerships for long-term management of renewable and nonrenewable energy resources on public lands
- Team 2** — Collaboration and Consultation - Develop a process for early collaboration and consultation among the State and Federal Agencies responsible for managing, authorizing, consulting on, reviewing, or certifying renewable and nonrenewable energy projects on public lands
- Team 3** — Communication - Establish procedures for Internal Communication and External Outreach
- Team 4** — Decision making and Dispute Resolution – Outline process that RMEC can use to identify affected stakeholders, evaluate proposed solutions and comments, incorporate suggestions, and resolve conflict
- Team 5** — Addressing Impediments to Success — Identify obstacles to success such as outdated business procedures, duplicative regulations, and untimely decision-making processes. Develop process to evaluate and implement solutions.
- Team 6** — Strategic Planning – Address how do we measure short and long-term success, identify positive performance goals, terms of measure and information needed including regulatory approvals for data collection and timelines for performance measurement.

Breakout Session Report Back – Teams 1-3

(See Attachments D – F for summaries for Teams 1-3)

Team 1 - Build State/Federal Partnerships

This breakout session focused on elements that need to be in place prior to the first meeting in December 2003. The team recommended six elements:

1. Energy Council representatives meet with each State Governor's Office to identify, explore, and discover ways to collaborate on their shared values, policies, and concerns vis a vis energy development.
2. Each agency treats each state as a planning unit (w/ exception of FERC)
3. Each state has a point person for each agency who is empowered to make things happen; States with multi-state regions will have one representative for each state
4. Discussions with Governors will start with those states determined to be most receptive and begin creating value and building trust
5. RMEC will work to address the perception that this is a federal venture to control states
6. One function for the RMEC will be as an umbrella to share state priorities and values

The Team recommended the RMEC's long-term goal be to improve Federal decision making, i.e. improve multi-agency decision making. This would be accomplished by: improved coordination (early and often); clearly sequencing the multiple processes necessary for energy development on public lands (including State processes); and a consistent, systematic approach to decision making that engages all affected stakeholders

<p>Agreement: The RMEC agreed that the State representatives will schedule meetings with their Governors and request other federal RMEC members attend as needed. Members of the Policy Group will be made available on an as needed/requested basis. NOTE: In some cases, like New Mexico, a Federal agency agreed to take the lead to schedule this meeting with the Governor.</p>

Team 2- Develop a process for early collaboration and consultation

The team developed seven recommendations:

1. Develop a cross cutting budget
2. Create a charter – outlining agency direction and resources
3. Ensure an integrated project management process that identifies scope and scale (examples: Western Governor's Association Protocol, Inter-Agency Pipeline, and Southwest Initiative) – present and discuss this at the December meeting, once the charter is in place
4. Build accountability (include this in the charter)
5. Create and use programmatic templates
6. Use full suite of NEPA tools
7. Develop a vertically integrated communication process (that feeds top down and from the field level up), include this as section/attachment to the charter

<p>Agreement: The RMEC agreed to develop a charter. (see below, section Decision Points: #3, for further details)</p>

Team 3 – Communications, Internally and Externally

This breakout session developed recommendations on how the RMEC would communicate; internally with each other/within the council itself, within RMEC member organizations, and externally with the National Policy Group, organized interest groups and the general public.

Recommendations for each level of communication included a goal, a lead, and/or mechanism for communicating:

Who is the Communication with	Goal of the Communication	Lead	Primary Mechanisms
Within the RMEC	Timely information sharing	RMEC staff	Database and website with appropriate links
Within RMEC member organizations	Timely incorporation of RMEC policy decisions in agency actions	RMEC executives	Existing internal agency processes
Between RMEC and organized interest groups	Transparent communications and gather guidance and input	RMEC communication team or staff	(determined by communication team or staff)
Between RMEC and the National Policy Group and Congress	Communicate RMEC accomplishments, challenges and needs	RMEC communication team or staff	(determined by communication team or staff)
Between RMEC and the general public	Build social support and capacity to act, solicit input, educate and be responsive to the input	RMEC communication team or staff	(determined by communication team or staff – possibly print media)

This team also recommended three structural models for communication needs:

1. Increase RMEC staff to cover communication needs
2. Appoint an Executive member to serve as a sponsor for a communication team/person
3. Once the RMEC establishes work groups – each work group would appoints their own communication team/person

Discussion

In the interim it was suggested there be a volunteer communication advisor. This person would become knowledgeable about the RMEC and be available to the RMEC staff for advice on external communication matters.

Agreement: The RMEC agreed to select a comprehensive communication model in December 2003. Until the December meeting the communication focus will remain within the RMEC, conducted by the current RMEC staff. A communication advisor will be designated, brought up to date and made available to the RMEC staff on an as needed basis.

ACTION: Paul Dobie, US Army Corps of Engineers, will provide/designate someone from his staff as an interim communication advisor to the RMEC staff.

JULY 9, 2003

DAY 2

After reviewing the work of the previous day, the group discussed and made decisions about who would begin drafting documents, who the interim RMEC staff and leadership will be, and who/what others will aid in the logistics of getting the RMEC started prior to the August meeting. **Decision Points** include:

1. Interim Chair and Vice Chair – these positions will ensure the list of action items established at this meeting is accomplished. Robbie Roberts, EPA Region VIII, was nominated and agreed to act as Interim Chair. Rick Cables, US Forest Service, was nominated and agreed to act as Interim Vice Chair.

<p>Agreement: The RMEC agreed to Robbie Roberts and Rick Cables as the Interim Chair and Vice Chair (respectively). Their tenure will be decided at a later date.</p>
--

2. Selection of Full Time Employees (FTEs) - Criteria for selecting future staff position descriptions and expectations of permanent FTEs will need to be developed, proposed and accepted by the RMEC. Currently Barry Burkhardt, USDA-FS is acting Executive Director and Sherri Thompson, BLM, is assisting him. Both are committed to these positions until after the December 2003 meeting.

<p>Agreement: All RMEC member agencies agreed the RMEC staff would execute the majority of the work identified to move the group toward their December meeting. RMEC members agreed to volunteer their own staff as necessary.</p>

<p><u>ACTION:</u> Robbie Roberts and Rick Cables will draft position descriptions and terms of reference, with the help of a RMEC work group.</p>
--

3. Draft Charter – John Blankenship, US fish and Wildlife volunteered Bob Dach to draft the charter. Bob has experience in drafting charters and requested any interested RMEC members to join a work group to help him. Jim States offered to join the group to help develop the stakeholder identification and communication processes.

<p>Agreement: The charter will clearly delineate scope of RMEC, and where authority, responsibility, and accountability rest. It will include, perhaps as attachments, sections on decision making, stakeholder identification, dispute resolution, and internal communication processes and/or operating protocols.</p>

<p><u>ACTION:</u> Bob Dach, USFWS, with the help of a RMEC work group will develop the first draft charter for initial review at the August meeting.</p>

4. Interim Meeting – The objective of an interim meeting is to discuss and establish the roles and responsibilities of the RMEC, including staffing and leadership. It was suggested that the meeting be held the day before the Federal Leadership Forum (FLF) meeting, in order to inform the FLF's discussion on how it will work with the RMEC (many participants are members of both groups). The EPA volunteered to host the meeting at their conference center; the Forest Service also offered to host the meeting (the FLF meeting will be at the Forest Service offices). Proposed agenda items include:

- Draft charter
- Staffing – draft descriptions, criteria, and proposed personnel
- Background on IPA's
- Funding scenario (draft operating budget made available next couple of weeks)
- Draft PERT chart/decision path to integrate state and federal processes for energy project development with initial focus on oil and gas
- Updates on meetings with State Governors
- FLF
- Chair/Vice Chair

<p>Agreement: The RMEC agreed to an interim meeting to further discuss and clarify the roles and responsibilities of the RMEC and RMEC staff; discuss and further develop draft documents, and give updates on State Governors meetings. The meeting will be 8:00am-5:00pm on August 26, 2003, in Denver, Colorado (exact location TBD).</p> <p><u>ACTION:</u> Rick Cables volunteered to take the lead on a Process Advisory Committee (made up of RMEC interested members) to begin organizing the meeting.</p>
--

5. Lead agency – The question was raised about whether this group should have a lead agency. At issue is the interest in clearly locating leadership within this collaborative structure. This issue will be discussed further in connection with the charter at the August meeting.

<p>Agreement: The RMEC agreed it does not need a lead agency, but does need to clearly define the member’s roles and establish strong leadership.</p>
--

6. Funding – a few agencies have already contributed staff and/or finances. There was a concern that States would not be able to offer any financial support in this fiscal year. States would need some concrete benefits in order to assure their budget authorities of the legitimacy of this effort. The WHTF will continue to secure funding to create a management fund of approximately \$750K for the fiscal years 2003 – 2005. They are looking at cash and in-kind resources (FTEs, office space, benefits). The WHTF is also looking for resources from agencies not directly involved with the RMEC, for example - DOE provided meeting facilitation for the July meeting (Kathleen Rutherford and Jody Erikson from RESOLVE), and future data management and acquisition services (Argonne laboratory).

<p>Agreement: The RMEC agreed to limit the call for resource contributions in the first year to Federal agencies. States will engage in the second year when the benefits can be assessed and state authorization acquired.</p> <p><u>ACTION:</u> The WHTF will continue to work on collating a list of resources and agencies that offered, and disseminate a copy to RMEC members when it is complete (Jul/Aug).</p> <p><u>ACTION:</u> The WHTF will continue to secure resources from RMEC member agencies and other impacted agencies.</p>

Breakout Session Report Back – Teams 4-6

(See Attachments F - H for complete summaries of teams 4-6)

Team 4 - Decision making and Dispute Resolution

Decision Making

This breakout session focused on the goals of decision making and dispute resolution processes. The team recommended the decision making process should:

- Be by consensus – (defined as everyone can live with it)
- Honor the authorities of all agencies (state and federal)
- Tie into mandates of all agencies (state and federal)
- Fully consider all view points
- Improve both the process and outcome- be value added
- Be a multi-step process that moves forward incrementally

Dispute Resolution

The team recommended that until the scope of decisions to be made by the RMEC is fully clarified and accepted, the dispute resolution process should focus internally (including inter-agency). This team agreed they do not want the RMEC to become a tribunal. They did not address how/when to elevate a conflict beyond the RMEC; when the Council cannot reach resolution.

Recommendations

- There should be separate sections in the charter or MOU, to be signed by RMEC members, for internal decision making (including stakeholder identification), dispute resolution around the table, and clear stepwise elevation principles
- The energy for dispute resolution should be on resolving them before they happen and supporting resolution at the lowest levels.
- The RMEC should establish a stakeholder involvement process to identify and communicate with stakeholders (including how, when and what to communicate) and a process that clarifies when FACA is triggered and when it is not to ensure compliance .
- The RMEC should draft objective criteria to determine what issues the RMEC will consider

Concern was expressed about signing off on a decision making process in the absence of absolute clarity on what the RMEC will be making decisions about.

Agreement: The RMEC agreed that a draft scope of criteria to determine issues eligible for RMEC decisions should be addressed at the August meeting.

Agreement: The RMEC agreed that the decision making process (including a stakeholder identification process), the dispute resolution process (focused on internal RMEC issues), and elevation principles should be codified as an attachment to the charter.

Team 5 - Impediments to Success

The team identified twenty-five impediments. They discussed their top five and recommended some solutions.

Top five impediments identified:

1. Conflicting missions – within and between agencies
2. Lack of resources
3. Federal agencies not organized to deal with broad environmental and energy projects – regions are defined differently for different agencies and states, and projects don't follow the lines
4. Competing priorities within and between agencies and states
5. Un-sequenced/integrated decision points for agencies (state and federal) throughout the process

In response to the question, “How do we coordinate conflicting missions, overcome organizational limitations, address the different priorities and decision points for numerous federal agencies and state in the solution?” they developed the following possible solutions:

1. Commitment to NEPA process by all agencies
2. Reward innovative solutions at the leadership and field levels
3. Commitment to communication, participation, and a common vision or goal
4. Creative use of IPA's with states and federal agencies (a system that allows federal agency staff to work at another agency, to gain knowledge and become literate across agencies); this could also solve some short term employee shortages
5. Create generic performance standards
6. Create a mechanism to allocate existing resources
7. Define the scope of work for the RMEC (what is the mission of the RMEC, PERT chart)
8. Clarify the expectations of each agency
9. Identify specific processes and regulatory conflicts and solve them (find them then work on them)
10. Review the form/function of different agencies and how that interconnects with other agencies
11. Conduct root cause analysis on litigation

They recommended the following solutions for before the December meeting:

1. Develop PERT chart/decision path (including all federal agencies) and overlaid with state processes; initial draft to focus on oil and gas projects. This will serve as a framework from which to build integrated project management across agencies, regulatory regimes.
2. Building commitment throughout the agencies to common vision or goal – develop a list of actions/measures that demonstrate commitment (what it looks like)
3. Develop a document that describes the IPA process

Discussion

The RMEC suggested they use the WHTF model for the PERT chart/decision path. There was a concern that the discrepancy between the timeline an agency has in a plan and the actual time it takes creates problems. Many said that commitment can be demonstrated through continued executive level attendance at RMEC meetings and their communication throughout their home agencies/organizations.

Agreement: The RMEC agreed to develop a PERT chart/Decision Path to identify *which* regulatory agencies have roles in energy project development on public lands, *what* triggers their involvement and when they make a decision in the process in order to establish a baseline for analyzing regulatory opportunities for integrated energy project management. The goal here would be to create efficiencies by eliminating duplicative efforts that result from poor sequencing of processes with shared objectives/goals.

Agreement: By cultivating a culture of cross-agency literacy, IPA's may address some of the inter-agency barriers identified (including the most efficient use of resources).

ACTION: Robbie Roberts and Rick Cables volunteered to collate existing efforts and work on developing a PERT chart/decision path, as well as a background piece on IPAs.

Group 6 – Strategic Planning Addressing – How do we measure success?

The breakout session focused on a process to develop a list of performance standards to measure success and some possible measures.

The team recommended developing a document that lays out what the RMEC is going to measure, similar to a 10 year strategy document, and defines the level of success by specific achievements. They recommend this be completed by December.

Some outcomes/measures the team discussed were:

- NEPA – compliance, done concurrently, signed, huge improvement
- Tie outcome/measures to RMEC goals
- Permit processing – measure improvements (reduced X a certain amount) and outcomes (create X number of new markets)

Discussion

The RMEC could recommend and approve a strategy document that was signed by Secretaries and Governors. The document may include measurements for the National Policy Group.

Wrap Up/Closing

Bob Middleton, WHTF, reflected that the work completed at this meeting exceeded his expectations. The meeting opened a dialog and got everyone thinking about how to make the RMEC successful. He observed that members have taken ownership of the RMEC. Middleton closed by saying that the White House Task Force will continue to support the RMEC and be available for assistance.

Many of the participants felt that the meeting was a good first step. They observed that RMEC listened and gathered a lot of input at this formative stage. There was a general feeling that members were looking forward to the next meeting and to working closely with each other.

BIN/PARKING LOT (Issues raised to be addressed at a later date)

Obstacles – personalities and old battle wounds with other agencies

Obstacles – false information, not just incomplete or untimely information

Question: How will contact be made with tribal or local governments before the December meeting?

LIST OF ATTACHMENTS

- A-** Attendance List
- B-** Agreements
- C-** Link to Agenda
- D-** Team 1- State/Federal Partnerships
- E-** Team 2- Collaboration and Consultation
- F-** Team 3- Communication
- G-** Team 4- Decision making and Dispute Resolution
- H-** Team 5- Addressing Impediments to Success
- I-** Team 6- Strategic Planning

ATTACHMENT A – Attendees

Abbreviations:

ACHP – Advisory Council on Historic Preservation	MMS - Minerals Management Service
BLM – Bureau of Land Management	NPS – National Park Service
CEQ – Council on Environmental Quality	OSM – Office of Surface Mining
DOE – Department of Energy	RMOTC – Rocky Mtn Oilfield Testing Center
DOI – Department of Interior	USACE – US Army Corps of Engineers
DOT, RSPA, OPS –	USDA – US Department of Agriculture
EPA – Environmental Protection Agency	USFS – US Forest Service
FERC – Federal Energy Regulatory Commission	WGA – Western Governors Association
FS – Forest Service	WHTF – White House Task Force on Energy Project
FWS – US Fish and Wildlife Service	Streamlining

Attendees:

Linda Anania, BLM	Bill Hochheiser, DOE	Alan Rabinoff, BLM
Deb Atwood, USDA	David Hogle, EPA	Bruce Ramsey,
Bob Bennett, BLM	Melody Holm, USDA - FS	Sandy Rayl, USACE
John Blankenship, FWS	Paul Johnson, WHTF	John Reber, NPS
Ted Boling, CEQ	Peter Katchmar, DOT-RSPA	Kevin Riordan, WGA
Lowell Braxton, Utah	John Keck, NPS	Robert Roberts, EPA
Barry Burkhardt, USDA-FS	Kit Kimball, DOI	Ted Rockwell, EPA
Bob Bush, ACHP	Al Klein, OSM	Lynn Rust, BLM
Rick Cables, USDA - FS	Matt Knoedler, Colorado	Kathleen Rutherford, Resolve
Cynthia Cody, EPA	Karen Kochenbach, USACE	Jan Sensibaugh, Montana
John Corra, Wyoming	Douglas Koza, BLM	Don Simpson, BLM
Dean Crandell, USDA - FS	John Krummel, DOE – Agronne	Kevin Sloan, FWS
Bob Dach, FWS	Lab	Mike Snyder, NPS
Bill Daniels, BLM	David LaRoche, WHTF	James Souby, WGA
George Diwachak, BLM	Doug Larson, WGA	Jim States, DOE – RMOTC
Paul Dobie, USACE	Conrad Lass, BLM	Bob Stewart, DOI - Denver
Anthony Dvorak, DOE –	Robert Lawrence, EPA	Amos Street, WHTF
Argonne Lab	Jim Lecky, WHTF	Elaine Suriano, EPA
Kirk Emerson, US Institute for	Jane Ledwin, FWS	Diane Tafoya, USDA-FS
Environmental Conflict	Bob Middleton, WHTF	Shawn Taylor, Wyoming
Jody Erikson, Resolve	Anne Miller, EPA	Sherri Thompson, BLM
Tom Finch, DOT-RSPA-OPS	Ronald Montagna, WHTF	Wayne Thorton, USDA - FS
Harv Forsgren, USFS - FS	Bob Moore, Argonne Natl. Lab	Skip Underwood, USDA - FS
Darryl Francois, DOI – MMS	L. Morgan, Utah	Leslie Vaculik, USDA-FS
Rick Frost, NPS	Jennifer Moyer, USACE	Steve Waddington, Wyoming
Gayle Gordon, BLM	Allan Naranjo, DOI	Ron Wenker, BLM
Scott Haight, BLM	Lauren O'Donnell, FERC	Richard Whitley, BLM
Dale Hall, FWS	Marty Ott, BLM	Sally Wisely, BLM
Justin Hall, DOI	Jill Parker, FWS	Kermit Witherbee, BLM
Bryan Hannegan, CEQ	Cleo Pizana, EPA	Ken Young, BIA
Karen Harger, FS	Stephen Pott, PUC-CO	Connie Young-Dubovsky, FWS
Geoffrey Haskett, FWS	Bradley Powell, USDA - FS	
Mary Henry, FWS	Bettina Proctor, FWS	

ATTACHMENT B – Agreements

No.	Agreement
1.	The RMEC agreed that the State representatives will schedule meetings with their Governors and request other federal RMEC members attend as needed. Members of the Policy Group will be made available on an as needed/requested basis. NOTE: In some cases, like New Mexico, a Federal agency agreed to take the lead to schedule this

	meeting with the Governor.
2.	The RMEC agreed to select a comprehensive communication model in December 2003. Until the December meeting the communication focus will remain within the RMEC, conducted by the current RMEC staff. A communication advisor will be designated, brought up to date and made available to the RMEC staff on an as needed basis.
3.	Interim Chair and Vice Chair positions will be filled by Robbie Roberts, EPA Region VIII, and Rick Cables, USDA-Forest Service (respectively).
4.	All RMEC member agencies agreed the RMEC staff would execute the majority of the work identified to move the group toward their December meeting. RMEC members agreed to volunteer their own staff as necessary.
5.	The RMEC agreed to an interim meeting to further discuss and clarify the roles and responsibilities of the RMEC and RMEC staff; discuss and further develop draft documents, and give updates on State Governors meetings. The meeting will be 8:00am-5:00pm on August 26, 2003, in Denver, Colorado (exact location TBD).
6.	A charter document will be drafted. The charter will clearly delineate scope of RMEC, and where authority, responsibility, and accountability rest. It will include, perhaps as attachments, sections on decision making, stakeholder identification, dispute resolution, and communication processes and/or operating protocols.
7.	The roles for RMEC members need to be defined and strong leadership established, but there will be no single lead agency.
8.	Resources for the first year will be provided by the Federal Agencies. This allows time for the States to assess the benefits and acquire authorization for possibly providing resources the second year.
9.	Develop a draft set of criteria to determine issues eligible for RMEC decisions. This should be addressed at the August meeting, and can then serve as the basis from which a scope of work could be generated.
10.	Develop a separate section in the charter to describe the decision making process including stakeholder identification, the dispute resolution process for internal RMEC issues, and stepwise conflict elevation procedures. The decision making process will be signed by RMEC members.
11.	Develop a PERT chart/Decision Path to identify <i>which</i> regulatory agencies have roles in energy project development on public lands, <i>what</i> triggers their involvement and when they make a decision in the process in order to establish a baseline for analyzing regulatory opportunities for integrated energy project management. The goal here would be enable root cause analysis-to create efficiencies by eliminating duplicative efforts that result from poor sequencing of processes with shared objectives/goals.
12.	By cultivating a culture of cross-agency literacy, IPA's may address some of the inter-agency barriers identified (including the most efficient use of resources).

ATTACHMENT C– Agenda

http://www.etf.energy.gov/pdfs/RMEC_MeetAgenda.pdf

ATTACHMENT D- Team 1

Rocky Mountain Energy Council Implementation Strategy Meeting

July 8, 2003

Breakout Session: Team 1 State/Federal Partnerships

In Attendance:

Linda Anania, BLM
Rick Cables, USDA - FS
Bill Daniels, BLM
Gayle Gordon, BLM
John Keck, NPS
John Krummel, DOE – Agronne
Lab
Doug Larson, WGA
Conrad Lass, BLM

Ronald Montagna, WHTF
Lauren O'Donnell, FERC
Robert Roberts, EPA
Ted Rockwell, EPA
Don Simpson, BLM
Wayne Thorton, USDA - FS
Skip Underwood, USDA - FS
Sally Wisely, BLM
Sandy Rayl, FS

Leslie Vaculik, FS
Bill Hockhieser, DOE
Team Leader – Steve Waddington,
Wyoming
Facilitator – Bettina Proctor, FWS
Recorder – Connie Young-
Dubovsky, FWS

Breakout Team Objective

Develop process to build state/federal partnerships for long-term management of renewable and non-renewable energy resources on public lands.

Discussion

Partnership will be defined as not just state and federal, but federal and federal as well as state and state partnerships.

- Where are the states? States want to control own destiny and support feds with states in lead role. This is the predilection. What do we mean by partnership?
- Failure of federal leadership to instill knowledge of administration priorities and to provide a budget that allows for implementation. Field offices say it's not a priority and they don't have the funding to implement.
 - Partnerships and communication between federal agencies need to improve.
 - Bumping into each other because of lack of institutionalized way of early on getting everyone together in the process.
 - Scheduling a big problem.
 - Silo culture.
 - No outside pressure to do so.
 - But this is a presidential priority, so it should rise up. Unfortunately, there are a lot of presidential priorities. Multiple and competing priorities within the administration.
- Federal agencies have different federal boundaries. This supports looking at things on a state by state basis.
- Potentially conflicting mission and mandate between agencies and between states. Conflicting state law. One process might be to inventory the suite of applicable rules and regulations.
- The further down the chain you go the harder it will be to get everyone together (like getting down to the county level). Sovereignty.
- Knowing what the other agencies want and can and cannot do at the field level. Constraints and barriers. Wait till the end to find out what holds up process.

- Concern about federal preemption. Paperwork exercise and states don't know how much they are really listened to. Level of frustration at time lag and how long the federal process is. Expectations for federal funding in times of state budgets going south.
- Trying to keep the state agencies solvent so that feds don't have to take over their work.
- Shared vision of benefit. Both need to feel that there is a benefit. Need to ID a suite of benefits.

Process

- Need to describe mutual benefit to both states and federal. Visit states individually to discuss this.
- Need pilot near-term project. Need to look at examples.
- Allow groups to morph and change depending on the hot project "du jour".
- Remember goal is to get timely and cost effective decisions. Need to develop a process to make these timely decisions.
- Early timing.
- How does a project in one state become a priority for another agency if they have no interests or goes against mission? It won't be a priority.
- Other task forces such as transportation and aviation which may take priority.
- Goal of RMEC is to address issues systematically. But may need to address more broadly.
- First step: Relevant federal agencies should meet with governor or appropriate cabinet level position. What are the state's priorities? RMEC is an umbrella but there are "chapters" to this. Federal agencies need to meet separately with states.
- An example of how to better mesh expertise: Can biologists from other agencies be certified to render an opinion that right now only FWS can do?
- Realm in which RMEC will work. Procedural realm. Regional planning realm. Project planning realm. Policy realm. Which one is it?
- A lot of this is answered in the RMEC goals. Need to get down to detailed level to get this implementation.
- One state may not be interested in another's project but would be in the process and use what works and doesn't work.
- Federal decision vs. an agency decision. To be a federal decision there has to be coordination. States, there is the umbrella of the governor in the state. State should be the common unit of operation. Articulating state and federal policies. Try to understand them and bring them together as much as possible.
- States need to be in on the decision process from the meeting or they will be suspicious of the federal process. Same thing between federal agencies.

What processes need to be in place to reach short-term goals for December meeting (i.e. by 2004).

- Meeting with each state.
- Collaborate on priorities and policies with each state.
- Treat each state as a planning unit. Shared benefits and values.
- Federal decision mechanism. Has to be a "go to" person for each agency in each of the states.
- RMEC needs ultimately shared vision on a regional basis.
- Should WGA be part of the initial meetings? Really WGA gets involved when there are interstate issues.
- State successes – learn from each other.
- What level would RMEC work in? How much would they lead vs. being reactionary body? Needs to be a balance of both.
- Formalize RMEC
- Commit federal funding (FTE) from federal agencies.
- Get federal agencies state oriented and together and then meet with the states as one federal voice (??)

- Presence of regulatory, consultation, management
- “Public lands” means ANY federally managed lands (BLM/USDA-FS).
- Need to address tribal lands. Are these public lands? No. Separate effort going on right now
- Some agencies aren’t at a state level like FERC.
- Who represents what is accomplished at the state level to the RMEC. The subset of the Council is who reports back to the Council.

Long term

- How to get federal agencies to work together long term
This will be an outcome of the short term process
- Multiple agency decision process – consistent, timely and complete. Concurrent rather than sequential. Manage process so that everyone is involved that covers all the federal agencies.
- Start early and meet often. RMEC should help all agencies and stakeholders hear about projects early on.
- Iron out regulatory issues.
- State sovereignty needs to be recognized.
- Partnering with stakeholders.

Short term

Meet with states and set priorities. Should we start with the states that are here (Montana and Wyoming)?
No—need to meet with all.

ATTACHMENT E- Team 2

Rocky Mountain Energy Council Implementation Strategy Meeting

July 8, 2003

Breakout Sessions: Team 2 Collaboration and Consultation among Agencies

In Attendance:

Lowell Braxton, Utah
Cynthia Cody, EPA
John Corra, Wyoming
Bob Dach, FWS
George Diwachak, BLM
Paul Dobie, USACE
Harv Forsgren, USFS - FS
Scott Haight, BLM
Justin Hall, DOI
Brian Hannegan, CEQ
David Hogle, EPA
Melody Holm, USDA - FS
Allen Klein, OSM

Robert Lawrence, EPA
Jim Lecky, WHTF
Jane Ledwin, FWS
Anne Miller, EPA
Bob Moore, Argonne Natl. Lab
Jennifer Moyer, USACE
Bradley Powell, USDA - FS
Alan Rabinoff, BLM
Bruce Ramsey
John Reber, NPS
Kevin Riordan, WGA
Lynn Rust, BLM
Jan Sensibaugh, Montana

Elaine Suriano, EPA
Diane Tafoya, FS
Sherri Thompson, USDA - FS
Ron Wenker, BLM
Richard Whitley, BLM
Kermit Witherbee, BLM
Team Leader - John Blankenship,
FWS
Facilitator – Cleo Pizana, EPA
Recorder – Jody Erikson,
RESOLVE

Breakout Team Objective

Identify impediments to early collaboration and consultation among State and Federal agencies., elements that can overcome the impediments and action items including target dates.

Participants agreed that the term consultation was broader than Section 7 consultation.

Discussion

Collaboration is the biggest impediment, but not the only one.

The ideal process – an early meeting for a plan to identify problem areas, and take into account the individual federal and state processes

There are existing processes in place; the question is how does the RMEC improve the links.

Impediments –

- Different agencies have different missions
- Coming in late to the process...states are not in the land management planning process
- Incremental decision making with different timeframes (land management action is not well coordinated across agency planning and permitting processes)
- Insufficient staffing with expertise to match the level of actions
- Inconsistent participation with institutional knowledge (keep the same players at the table; bring folks up to speed)
- Different internal priorities
- State and regional boundaries
- Federal Agency reluctance to involve states...and states don't understand their role as expertise
- Jurisdictional issues
- Executives communicating down the chain of command and holding their subordinates accountable

- No process to raise conflicts up to force a decision
- Perception that it is a lead agency issue
- Competing authorities...for funding
- Different interpretations of what things mean (ex. Purpose and Need)
- Untimely or insufficient information
- Multiple points of collaboration over a long time
- Changing environment and cultural understanding (public opinions, concerns, values)
- Out of sync with industry...feds and States slower to get ready...getting the workforce up and ready
- Lack of resources for rapid data collection to verify industry reports
- Confidence in the level of data gathered isn't high enough (study something to death)
- Contractor competency
- Federal agencies don't trust States or see them as equals
- Don't know what it means to be a cooperating agency
- Resources to travel to meetings
- Multiple state/federal agencies acting autonomously
- Failure of agencies to identify issues early, get the right folks together early to address barriers and prevent road blocks to planning process in the eleventh hour,

Possible Solutions

- Cross cutting budget initiative (what do we have to work with) taking advantage of each others work (efficiencies) ALL AGREE POSSIBLE
- Identify the resource impediments
- Identify the resources available
- Identify the right subject matter experts
- Integrated response process that addresses all parameters and timeline with federal and state agencies – this would identify the scale (lump/split)
- Look at templates for SW strategy; NEPA 404 merger: FHWA
- Identify an area to pilot a template – collaborative pilot project
- Charter that outlines –including state partners- how they would oversee the problems
- All the right organizations represented and the right level individual and keep them at the table for the long-term
- Work teams to work on specific issues
- State and Federal agencies show up with their list of priorities (based on revenues) for the year – this would show what the common issues are and what everyone could work on
- Review SW process for recommendations moving forward
- Streamlining consultation process include energy not just fire
- Agree to programmatic prioritization
- Prioritize and focus on specific areas
- Have regulatory agencies prioritize which projects get addressed
- A mechanism to communicate top down to the Council and field level up to the Council
- Utilize NEPA fully – use all the tools
- Field staffs need to work together
- Get the right folks in the process early
- Regularly scheduled meetings – how meetings are set up (standing, on the fly)
- Clarify the environmental data needs early; identifying when modeling/analysis is necessary

Prioritization (four dots) – the participants voted with sticky dots for the Possible Solutions they felt would best address the impediments.

- (18) Cross cutting budget initiative; address declining resources; take advantage of sharing with each other
- (16) Develop a charter
- (13) Ensure integration w/ fed & state
- (11) Build in accountability
- (10) Develop programmatic template
- (9) Utilize full NEPA tools
- (9) Have a process that communicates top-down to the council and field level up
- (7) Agencies share their priority lists in order to find the common thread among them all
- (6) Convene the right folks at the table to collaborate early and often
- (3) Identify scope and scale
- (3) Southwest strategy as a template, NEPA 404 merger, FHWA
- (2) Identify areas for early collaboration and pilot them
- (2) Identify area to begin to focus on (ex. 5 basins)
- (2) Regulatory agencies develop an MOU prioritizing issues to address
- (1) Include energy related consultations
- (1) clarify environmental data needs; protocol for modeling analysis

Bin/Parking Lot (Issues raised to be addressed at a later time)

- When does the RMEC become involved? When there is a problem; when things fall apart?

ATTACHMENT F- Team 3

Rocky Mountain Energy Council Implementation Strategy Meeting

July 8, 2003

Breakout Session: Team 3 Internal Communication and External Outreach

In Attendance:

Bob Bennett, BLM

Bob Bush, ACHP

Anthony Dvorak, DOE – Argonne

Kirk Emerson, U.S. Institute for

Env. Conflict

Rick Frost, NPS

Geoffrey Haskett, FWS

Karen Kochenbach, USACE

Douglas Koza, BLM

Allan Naranjo, DOI

Marty Ott, BLM

Shawn Taylor, Wyoming

Ken Young, BIA

Team Leader –

Jim States, DOE - RMOTC

Facilitator/recorder –

Karen Harger, FS

Breakout Team Objective

Establish procedures for internal communication and external outreach.

The group was introduced to the following documents:

- Statement of work by Jim States
- Western Regional Air Partnership Communication Manual (WRAPS)
- MOU Western States and Federal Government
- Enlibra principles ACHP (Advisory Council on Historic Preservation) “About the Web Server”

Jim States, DOE, briefed the WRAPS document as a sample communication plan. From that Plan, he called attention to the “Statement of Work” document which outlined three possible issues the team could address in this work session:

Discussion – Communication Model

1. Do we want to adapt the communications model already proven in circumstances similar to those facing the RMEC or should we develop our own procedures from scratch?
 - Needing to understand the differences in models, the WRAP model and EAP model for example.
 - WRAP was offered as a resource, does not have to be the selected method
 - Prior to talking about a model, need to identify a crisp focus for communications plan target (i.e., 5 groups). Added to this was, within the constraints of available resources
 - Who needs to know? Do you want support from them? Why? What do the drivers of RMEC want? (Added to this last question was the drivers are us, the RMEC members.
 - Formal RMEC outputs: What’s the product? Who is it being communicated to?
 - Possible option: use the SW Strategy as appropriate.

The group then asked themselves, should we recommend a Communications Team as a permanent part of RMEC structure, as in this and other models, or do we want this to be a staff function?

Audience and Goal

The group decided the RMEC should focus on the target audiences of the communication plan (a goal would be to identify the landscape and techniques for the five, which may be six groups—see 1a below):

1. Among/Within RMEC members
 - a. Discussion arose regarding between individual RMEC member's agency headquarters and Energy Policy Group – should this also be considered in the Communication Plan?
2. Within RMEC member's organizations, RMEC member's communicating up, down, and within their organization.
 - a. Possible mechanism: SW Region Inter-agency sharing using RMEC collaborative group.
 - b. An example of how this would work was given: *Goals would be 1) timely information sharing; 2) tracking progress toward goal; 3) monitoring actions at related agencies, activities, organizations. The "HOW" would be via web site. Options on the how were offered by the group:*
 - i. *Using Matrix box and plugging in information for appropriate audience taking into consideration: where do you want the information to flow? What resources (people, staff, dollars) are needed*
 - ii. *Lean on a standing communication team*
3. Between RMEC and national policy group
4. External: county, local, industry, tribal (added onto this were energy consumers, environmental groups)
5. Between Council and General public using mass media

Communications Matrix

The group decided to develop a one page matrix (see below) outlining the goals of communication for the five target audience groups. Some initial clarification definitions for the target audience designations were:

- "Within" = among RMEC and up and down within individual RMEC member's own organizations.
- "Goals" = Between RMEC and interests, "seek guidance and input"

Team 2 "Bin" issues:

- What projects (i.e., actual operations) will be communicated
- How do you do a plan if you don't know the projects, i.e., right-of-way grants gets communicated differently to various stakeholders
- Data and information sharing as part of the Matrix, will they be part of the Matrix?
- Interaction/Exploratory work with the public? Is that going to be part of the Communication Plan?
- More pro-active goals and mechanisms for the draft matrix. Those listed on the draft, with the exception of the "Education" element are reactive.
- Is the RMEC a clearinghouse for RMEC projects?
- Public Concern: not having a voice; not feeling included. How will this be addressed?

Communications Matrix

Audience	Goals of Communication	Lead/Mechanisms
<i>Within Council</i>	Timely information sharing, e.g., meeting dates/agendas, data, decisions, tracking of progress, related council member information. Issues raised ASAP—early engagement	Support staff to the RMEC <i>HOW:</i> Accessible web-based system
<i>Within Council Member's Organizations (up and down)</i>	Timely transfer of RMEC policy decisions into agency actions that is institutionalizing (making a policy decision)	Executives that are RMEC members <i>HOW:</i> Using internal agency organization
<i>Between RMEC and interests (county, local, tribal, governments, NGOI, industry, etc.)</i>	Seeking guidance or input to guide RMEC decision making Communicate accomplishments of RMEC Alternatives: <ul style="list-style-type: none"> • Transparent communication (an alternative thought was pre-decisional considerations would prohibit some of this) • Outputs? • New proposals? • Avoid duplicating processes 	Transparent communication <i>HOW:</i> Professional communication team designated lead from one RMEC member and then that individual recruits others, i.e. a Public and Legislative Affairs Officer recruits their peers Alternatives: <ul style="list-style-type: none"> • Lead should be at working team level • Permanent communication staff support to RMEC
<i>Between RMEC and National Policy Group</i>	Communicate accomplishments Communicate needs for assistance, i.e., dollars, policy, legislation, etc. Alternative: <ul style="list-style-type: none"> • Hear RMEC's priorities • Output 	Communications team <i>How:</i> helping craft products utilizing different tools to match needs (see immediately above, "transparent communication")
Between RMEC & "general public"	Build social support/capacity to act Alternatives: <ul style="list-style-type: none"> • Solicit input, feedback from general public • Education component • Response to external input • Output? 	Communications team Alternatives: <ul style="list-style-type: none"> • General information for the public • NEED, utilizing this organization, and similar as an education function

ATTACHMENT G- Team 4

Rocky Mountain Energy Council Implementation Strategy Meeting

July 9, 2003

Breakout Sessions: Team 4 Decision Making and Dispute Resolution

In Attendance:

Linda Anania, BLM
Cynthia Cody, EPA
Bob Dach, FWS
George Diwachak, BLM
Kirk Emerson, U.S. Institute for
Env. Conflict
Rick Frost, NPS
Gayle Gordon, BLM
Geoffrey Haskett, FWS

John Keck, NPS
Matt Knoedler, Colorado
Karen Kochenbach, USACE
Anne Miller, EPA
Marty Ott, BLM
Sherril Thompson, USDA-FS
Skip Underwood, USDA - FS
Steve Waddington, Wyoming
Ron Wenker, BLM

Richard Whitley, BLM
Ken Young, BIA
Team Leader – Kathleen
Rutherford, RESOLVE
Facilitator – Cleo Pizana, EPA
Recorder – Jody Erikson,
RESOLVE

Breakout Team Objective

Develop recommendations that will identify a model or process for dispute resolution and decision making for the RMEC and/or outline the elements that must be included in decision making and dispute resolution processes.

Questions to be addressed:

1. What should the goal of the decision making process and dispute resolution process; internal/external
2. Models of decision making, pros and cons
3. Models of dispute resolution, pros and cons
4. How should RMEC handle decision making at the first meeting – ToDo before/after
5. How should RMEC handle dispute resolution at the first meeting – ToDo before/after
6. Identify stakeholders for dispute resolution

Handouts of the Enlibra Principles were distributed and flip charted for reference.

Assumption: Stay at the policy level

Discussion

Question #1 - Goal

- Reach decisions with which all parties can live with – preferably consensus
- Timely resolution
- Honor agency, state and local authority
- Create a process that prevents disputes
- Includes minority opinions
- Transparent
- Accountability – recorded
- How do issues come to the table, who can bring them, and how will the answer be reflected back
- Consistent conditions of application
- How do you determine a cross cutting issue
- Implementation issues that can be addressed by the policy

- Fully informed decision – approach of due process (include due process and public notice when necessary)
- Full consideration of all stakeholders, all view-points
- Response developed is creative, better than before – not something you equally dislike
- Fits within agency mandates

Question #2 – Decision making models

- FLF decisions making model – issue discussed, Core team tasked/staffed out issue papers from core team (sometimes with a recommendation), goes back to FLF for discussion and final decision...core team may select key expertise outside the FLF...issues get to the FLF trickle in (there isn't a mechanism for that) - any agency can bring it to the table
- Issues come to Council – prioritize which ones to address
- Ex. Director could screen the issues, and help define the issues through interviews – recommend Jointly develop objective criteria for determining which issues to address – Ex. Dir can apply them
- Some one facilitate the discussion – could be the Ex. Dir. Role
- Thumb voting

Who receives RMEC decisions?

Identify a process that works w/in all agency mandates

Identify a mechanism to decide what type of decision is needed and asses the process address it

Will be multi-step process – there will be additional due process steps that must be incorporated

Need to have clear elevation procedures – when it goes to DC or external

August meeting discuss - Representation and voting rules, what does consensus mean if not all present

Dispute Resolution

Models

- Mediated – consensus – continue to adjust
- FLF project level – notice of concern, staff become aware of problem they notify with the other agency and get together in person/phone to discuss solutions...not work it out at staff level then move up to dep. Sec. level (below FLF) then goes up to FLF... at state level invoke mediation
- Important that the RMEC grants permission for all the operational level folks to get together to resolve the dispute, from the different states and agencies (resolve disputes at lowest organizational level possible)
- Everglades project – inter-jurisdictional process, RMEC should engage if interjurisdictional dispute
- FHWA – T-21 Environmental Streamlining project...internal order that engages states and multiple agencies at federal level than goes to Dep. Sec...this has pressured agencies to work together
- Process for identifying stakeholders-critical to know who the stakeholders are, and what interests they represent. Consider appropriate stakeholder engagement strategies, i.e. engage early those who might block implementation of Council recommendations/decisions
- St.Croix Model (Resolve project through the USIECR)– Three tier consensus process built with decision making contingencies. At the hub are those with permitting/regulatory authorities. The next circle out includes local governments and organized interest groups. The third circle is the general public, media, etc. The whole group is engaged in a consensus process. Failure to reach consensus triggers an automatic thinning of the table, reducing it to just those with regulatory authorities for the purposes of negotiating an agreement.

Discussion

- What is it we are mediating? Are we going to mediate industry and Feds? Intergovernmental/agency?
- How are issues in the field to be raised to the RMEC?
- What is the process for identifying stakeholders?
- Council might include the citizen interest groups, environmental, local governments...the folks that may intervene later in the process
- Identified procedural problem that the RMEC is bringing all governing bodies to decided how to deal with that
- Stakeholder identification and engagement are important. The prevailing environmental perception of this effort is skeptical, only helping oil and gas...The impasse approach hasn't worked for decades, lets be creative...involve them earlier
- RMEC should not become a forum for dispute resolution for site specific issues...not a tribunal. Keep efforts focused at policy, not site-specific levels.
- August – identify formal stakeholder identification process

ATTACHMENT H- Team 5

Rocky Mountain Energy Council Implementation Strategy Meeting

July 9, 2003

Breakout Session: Team 5 Addressing Impediments to Success

In Attendance:

Paul Dobie, USACE	Jennifer Moyer, USACE	Don Simpson, BLM
Anthony Dvorak, DOE – Argonne	Allen Naranjo, DOI	Diane Tafoya, FS
Scott Haight, BLM	Lauren O'Donnell, FERC	Wayne Thornton, USDA - FS
Dale Hall, DOI	Jill Parker, FWS	Sally Wisely, BLM
Melody Holm, USDA - FS	Bradley Powell, USDA - FS	Team Leader – John Corra, WY
Al Klein, OSM	Alan Rabinoff, BLM	Facilitator – Bettina Proctor, FWS
Conrad Lass, BLM	Robert Roberts, EPA	Recorder – Connie Young-
Rob Lawrence, EPA	Ted Rockwell, EPA	Dubovsky, FWS
Jim Lecky, WHTF	Lynn Rust, BLM	
Bob Moore, Argonne Natl. Lab	Jan Sensibaugh, Montana	

Breakout Team Objective

Identify obstacles to success such as outdated business procedures, duplicate regulations and untimely decision making processes. Develop process to evaluate and implement solutions.

The group reviewed the Enlibra principles

Brainstorm Obstacles and number of votes received

- Media – Letting someone else tell the story. Negative perception of the process. - 1
- Lack of trust on part of significant other stakeholders. Misinformation - 2
- Conflicting missions between and within agencies - 17
- Lack of resources - 11
- Incomplete understanding of one another's missions – particularly amongst federal agencies - 1
- NEPA as a moving target – bar keeps changing as to what is adequate NEPA. NEPA can be litigation reactive. - 2
- Inadequate regulations have not kept up with technology - 0
- Federal agencies not organized the way the problems are. Not organized to deal with broad environmental energy projects. Barrier to speed. - 9
- Agencies have different decision points in the process. Personalities. Values. – 5
- People don't always work well together. Personalities. Values - 0
- Different views on the meaning and interpretation of technical data. - 2
- Organizational Cultures - 2
- Competing priorities within and between agencies. - 6
- Different perceptions of what is timely. - 1
- Various levels of understanding and knowledge on the subject at hand. Complex process that is technical and political. - 0
- State and Federal coordination - 2
- Litigation - 3
- Allocation of existing resources to where the work is within and between agencies. - 2

- Range of industry operating processes. - 3
- Unclear instructions/expectations by the agencies to industry - 0
- Variety of appeal processes - 0
- Ineffective uses of information technologies, e.g. e-permitting – 0
- Building trust vs. serving as trustee - 0
- Enforcement seen as an impediment to a working relationship.-0
- Multi-faceted complex industry (ies). - 0

Prioritization

Top Five Obstacles:

1. Conflicting missions
2. Lack of resources
3. Federal agencies not organized the way the problems are. Not organized to deal with broad environmental energy projects.
4. Competing priorities within and between agencies
5. Agencies have different decision points in the process.

Root Problem

How do we coordinate conflicting missions, organizational limitations, priorities and decision points of numerous federal agencies in the solution?

- Overlapping missions and authorities
- Lack of common, comprehensive government vision

Solutions

- Use NEPA process for early collaboration. Commitment to NEPA process by all agencies.
- ~~Create a new agency~~ (the group decided to eliminate this option)
- Reward innovative solutions at leadership and field levels.
- Commitment to common vision or goal and commitment to communication and participation
- Creating a new subculture of bilingualness through IPAs to increase understanding of other agencies.
- Create generic performance standards for position descriptions that encompass the missions of the other agencies.
- Create mechanisms to allocate existing resources.
- Start with defining/Redefine what the work is. Develop a PERT chart.
- Clarify what the expectations are from each agency.
- Identify specific process and regulatory conflicts and find ways to resolve them.
- Look at form of agencies - is it based on function
- Do root cause analysis

Critical Success factors – there was not enough time to address this adequately.

Timeline

Before 2004

- Start with defining/Redefine the scope of work
- Develop a PERT chart
- Commitment to common vision or goal – draft a list ideas for what commitment looks like
- Creating a new subculture of bilingualness through IPAs to increase understanding of other agencies.

ATTACHMENT I- Team 6

Rocky Mountain Energy Council Implementation Strategy Meeting

July 9, 2003

Breakout Session: Team 6 Strategic Planning

In Attendance:

Bob Bennett, BLM
Bill Daniels, BLM
Harv Forsgren, USFS - FS
Bill Hocheiser, DOE
David Hogle, EPA
Douglas Koza, BLM

John Krummel, DOE – Agronne
Doug Larson, WGA
Jane Ledwin, FWS
Ronald Montagna, WHTF
Bruce Ramsey
Sandy Rayl, USACE
John Reber, NPS
Elaine Suriano, EPA

Shawn Taylor, Wyoming
Kermit Witherbee, BLM
Team Leader – Rick Cables, FS
Facilitator – Karen Harger, FS
Recorder – Dean Crandell, FS

Breakout Team Objective

Given the goal/functions, how is success defined? How we measure success? Then breakout into more detailed discussion on the short/long term outcomes/needs. What are we going to do between now and December?

The group felt the discussion should be divided into process and measures.

Process

One example of a good process is the National Fire Plan where the State and Federal agencies worked to describe performance measures.

Other Options suggested:

- Adaptive Process- a mechanism to trigger looking at issues
- Output –energy production
- Environmental protection
- Avoid Identifying measures that we can't control
- Baseline data on history of projects and identifying time frames

Outcomes and Measures –Brainstorm and Clarifications

The team individually wrote out at least one “Outcome” and an associated “Performance Measure”.

- Outcome: Streamline EA process (NEPA documents)
Measure: Shorter document; shorter timeframe for approval
- Outcome: More efficient NEPA documents (i.e., Turbo and Tubes)
Measure: NEPA decisions are more efficient/less staff and dollars involved).
- Outcome: Multiple agency decision process that is consistent, timely, and complete.
Measure: Project delays because of inability to resolve disputes (interagency) are reduced or absent.

- Outcome: Cross-political and agency jurisdiction energy projects will be completed under a single NEPA document
Measure: ??
- Outcome: NEPA decisions made on a date certain, not sequentially
Measure: Decisions made on specific date
- Outcome: Quicker permitting and processing wind farms
Measure: Look at current wind farm effort and evaluate time-frame
- Outcome: Interagency cooperation on planning and NEPA documents
Measure: Number of documents delayed because of new objections after process is underway.
- Outcome: No NEPA document rated, “insufficient.”
Measure: No insufficient NEPA documents, by EPA rating.
- Outcome (related to RMEC Goals): Improve collaboration among affected interests in Regional decision-making on energy issues. *Another participant added, “Institutionalize/Improve collaboration...”*
Measure: Mechanisms are in place at Regional/State level to facilitate collaborative decision-making. Target: one in 2004, rest in 2005.
- Outcome: Using goals of RMEC (and keeping in mind fewer quality measures, rather than more is better): *Reduced uncertainty and time involved in decision-making.*
Measure: Percentage of time for approval is changed. The target is a 50% reduction.
Participants then added these options:
 - A decision support system needs to be in place
 - Get permit times back to 2001 levels
- Outcome: Related to RMEC Goals 2 and 3: *Improve coordination of state and federal policy on long-term strategy for energy development transmission (by logical geographic areas, to be determined at a later meeting) (single planning)*
Measure: Produce a strategic proto-type plan by 2005, others by 2006 (framework for future development/transmission)
- Outcome: Bio-mass markets are created to enable the disposal of forest hazardous fuels and provide renewable energy.
Measure: 1) Number of markets create; 2) Tons of bio-mass utilized
- Outcome: Develop detailed project schedule with well-defined benchmarks
Measure: Check to see if benchmarks are met with lessons learned either if exceeded or failure to meet. Dates/met deliverables.
- Outcome: Higher quality applications
Measure: # of applications rejected or number of applications not needing change is reduced
- Outcome: Federal, state, local environmental standards are met or exceeded

Measure: Thorough monitoring standards are met

- Outcome: We don't negatively impact programs to do something correctly.
Measure: Don't create back-logs in other programs
- Outcome: Lease offer decisions are made within time-frame which meets industry's needs.
Measure: 95% of all parcels nominated by industry for leasing are made available at the next lease site.
- Outcome: Federal/state agency decisions on energy projects will be coordinated and issued jointly or at the same time.
Measure: ??
- Outcome: Interagency targeting of resources to efficiently process APDs
Measure: Reduced processing time.
- Outcome: Increased successful opportunities for alternative energy development, or (put another way) increased energy production from alternative energy sources.
Measure: Permitting time-frames for alternative energy projects and associated transmission needs meet industry needs.
- Outcome: Institutionalize operational Federal and State partnerships on energy development.
Measures: MOU's signed. Federal-State teams operating, State issues addressed in Federal projects.
- Outcome: Development agencies and parties (private) are engaged, even through dispute resolution on experiments (trials).
Measure: Actual production normal proponents and opponents are staying at the table.
- Outcome: Agencies impacted agree to a scheduling: timing, intensity, etc., for minimal impact in the long-run to the agencies.
Measure: Agreed upon plan/schedule directs impacts to share on times of least significance.
- Outcome: Increase electrical transmission capacity with minimal environmental impact.
Measures: 1. Mega-watts of transfer capacity per acre of impacted habitat; 2. ROW processing time
Another participant added this option:
 - *Mega watts consistent with environmental impact*

Process Brain-Storming

- A process for re-evaluating measures over time
- Indicate where the source of information for the measure comes from
- Should a document be generated to "play" from?
 - Useable for external out-reach
 - The RMEC should decide this

- What's such a document look like?
 - Coming out of RMEC
 - An annual progress report?
- When should the document be done?
 - August meeting—should we have a draft?
 - At least goals
 - At least measures of success
 - August too soon, draft of such a document should be out before December, and then be a topic at the December meeting.
- Use a “best practices” list
- Who decides RMEC decides:
 - RMEC decides outcomes and measures
 - Policy Group has more decision space on those issues that RMEC has no authority