



Executive Office of the President
Office of Management and Budget



Executive Office of the President
Council on Environmental Quality

Dear Secretary/Administrator:

The President strongly supports constructive and timely approaches to resolving conflicts when they arise over the use, conservation, and restoration of the environment, natural resources, and public lands. Consistent with the August 2004 Executive Order on Cooperative Conservation, the accompanying Memorandum on Environmental Conflict Resolution sets forth basic principles for engaging federal agencies in environmental conflict resolution and collaborative problem solving. The statement further directs agencies to increase the effective use of environmental conflict resolution and build institutional capacity for collaborative problem solving. It provides a useful compilation of mechanisms and strategies that can be used for achieving those goals.

Over the past few years, several agencies have adopted some of these mechanisms and strategies and have reported progress on improving negotiated outcomes and the implementation of agreements. We applaud the leadership those agencies have demonstrated and urge agencies that have not begun developing and implementing such approaches to begin that process.

Your support is critical to the success of the Administration's goal to increase the effective use of environmental conflict resolution and collaborative problem solving. We urge you to actively pursue the appropriate mechanisms and strategies enumerated in the accompanying policy statement. Thank you for your support in this important undertaking.

Joshua Bolten
Director
Office of Management and Budget

Date: 11/28/05

James L. Connaughton
Chairman
Council on Environmental Quality

Date: 11/29/05

Office of Management and Budget and President's Council on Environmental Quality
MEMORANDUM ON ENVIRONMENTAL CONFLICT RESOLUTION

SECTION 1. PREAMBLE

(a). Problem. This administration and those that follow will continue to face the challenge of balancing competing public interests and federal agency responsibilities when striving to accomplish national environmental protection and management goals. This is a fundamental governance challenge. This challenge can manifest itself through:

- Protracted and costly environmental litigation;
- Unnecessarily lengthy project and resource planning processes;
- Costly delays in implementing needed environmental protection measures;
- Foregone public and private investments when decisions are not timely or are appealed;
- Lower quality outcomes and lost opportunities when environmental plans and decisions are not informed by all available information and perspectives; and
- Deep-seated antagonism and hostility repeatedly reinforced between stakeholders by unattended conflicts.

To address this environmental governance challenge more effectively, federal departmental and agency leadership should develop strategies to prevent or reduce environmental conflicts and generate opportunities for constructive collaborative problem solving when appropriate.

(b). Background. In June 2004, Jim Connaughton, Chairman of the Council on Environmental Quality (CEQ) hosted a meeting for senior policy officials and legal counsel from fifteen federal departments and agencies actively engaged in environmental issues. The meeting focused on preliminary policy direction and strategic program commitments for core federal departments and agencies that deal with environmental issues. It presented an opportunity to review administration priorities, learn from departmental initiatives already underway, and discuss the challenges associated with reducing environmental conflicts and improving environmental decision making.

The leadership meeting included presentations by Secretary Gale Norton for the Department of the Interior and EPA Administrator Michael Leavitt, who shared the progress their organizations have made over many years as federal leaders in the use of environmental conflict resolution and collaborative problem solving. They both recognized the considerable opportunities that existed to expand these approaches to a broader set of environmental policy areas and federal departments and agencies.

(c). Basic Principles of Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving. These principles were developed collaboratively with senior staff from the Departments of Agriculture, Commerce, Defense, Energy, Homeland Security, Interior, Justice, Transportation, Army, Navy, and Air Force, and the U.S. Environmental Protection Agency, the Federal Energy Regulatory Commission, the President's Council on Environmental Quality (CEQ) and the U.S. Institute for Environmental Conflict Resolution. The principles are attached to this policy memorandum in Attachment A.