

## CEQ/Governor Consensus Agreement

The Council on Environmental Quality (CEQ) has joined with the US Institute for Environmental Conflict Resolution (the Institute) and the National Policy Consensus Center (NPCC) to offer Governors a consensus protocol for use when difficult intergovernmental environmental issues are at hand to guide collaborative decision-making efforts.

Governors are confronted daily with intergovernmental environmental conflicts and policy issues and need ways to resolve these challenges. Experience has demonstrated the need for more effective processes to deal with today's complex environmental issues. Effective governance mechanisms are needed to help foster collaboration among governments (federal, state, tribal and local), businesses and the nonprofit sectors if we are to address these issues successfully.

CEQ, the Institute, and NPCC are offering governors a protocol they can use when engaging in collaborative decision making and consensus building processes to resolve environmental, natural resource and public lands issues involving state and federal interests and agencies. This protocol helps ensure that collaborative efforts to resolve environmental issues will be carried out in ways that are effective and ensure their legitimacy and fundamental fairness.

The Consensus Protocol is a set of consensus building best practices developed by the Association for Conflict Resolution. In brief, the Protocol sets out Best Practices for:

- Assessing whether collaborative agreement seeking process is appropriate
- Determining that necessary stakeholders are prepared and willing to participate
- Establishing ground rules to ensure openness, transparency, and compliance with rules of law
- Ensuring credibility through impartial facilitation of the process
- Employing a consensus-based approach to arrive at agreement and a plan for implementation

A Governor who wishes to enter this agreement with CEQ may request that NPCC and the Institute review the environmental conflict or issue to determine whether a consensus process is the appropriate way to proceed. Governors will also receive assistance in assembling state and federal stakeholders. Under this agreement CEQ may also recommend issues to Governors and suggest they consider using a collaborative approach.

The Protocol that accomplishes these aims is attached.

## CONSENSUS PROTOCOL

Whereas, The Council on Environmental Quality (CEQ) and Governors of Oregon and Washington wish to foster collaborative decision making and conflict resolution for intergovernmental and stakeholder issues involving local, state and federal agencies and non-governmental entities with respect to sustainable dredge material disposal in the lower Columbia River area;

Whereas, In order to optimize the achievement of fair and effective outcomes from collaborative processes and consensus, a set of acknowledged best practices should be adhered to;

Whereas, the Lower Columbia Solutions Group has been created to address issues related to developing sustainable solutions to the disposal of maintenance dredge material;

Whereas, CEQ is committed to safeguarding the condition and quality of the Nation's environment in balance with other national goals and policies and has statutory responsibilities in overseeing the implementation of the National Environmental Policy Act by the federal government;

Whereas, The U.S. Institute for Environmental Conflict Resolution (the Institute), part of the Morris K. Udall Foundation, an independent federal agency, provides assistance and consultation to all parties in carrying out collaborative processes and resolving environmental conflicts where federal agencies are involved;

Whereas, The Institute and CEQ maintain a close working relationship, based on CEQ's membership on the Morris K. Udall Foundation Board of Trustees and its statutory role in reviewing and concurring on federal interagency disputes in which the Institute is involved;

Whereas, The National Policy Consensus Center (NPCC) is an organization that provides assistance and consultation to governors, state government agencies, and state conflict resolution programs, in carrying out consensus processes;

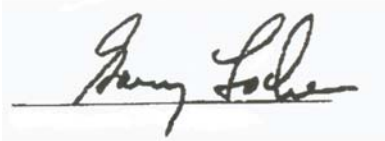
Now therefore, it is mutually agreed that:

1. The Governors of Oregon and Washington, and CEQ acknowledge and will work in a manner consistent with the following best practices developed by the Society of Professionals in Dispute Resolution (now Association for Conflict Resolution) and endorsed by NPCC and the Institute, when promoting the use of and engaging in collaborative decision making and consensus building processes for the resolution of issues related to the identification and implementation of lower Columbia River sustainable dredge material disposal projects:

- I. An Agency should first consider whether a Collaborative Agreement-Seeking Approach is appropriate.
  - II. Stakeholders should be supportive of the process and willing and able to participate.
  - III. Agency leaders should support the process and ensure sufficient resources to convene the process.
  - IV. An assessment should precede a collaborative agreement-seeking process.
  - V. Ground Rules should be mutually agreed upon by all participants and not established solely by the sponsoring agency.
  - VI. The sponsoring agency should ensure the facilitator's or mediator's neutrality and accountability to all participants.
  - VII. The agency and participants should plan for implementation of the agreement from the beginning of the process.
2. As the Lower Columbia Solutions Group identifies potential dredge material disposal projects, the Institute and NPCC will provide, when requested by the Governors or CEQ, a preliminary recommendation on the advisability of a particular collaborative or conflict resolution process and the next steps that need to be taken. All parties agree to work expeditiously to provide a timely response.
  3. If the recommendation is to proceed toward convening a collaborative or conflict resolution process, NPCC will contact the involved governors to consult with them about their potential involvement in the assessment and the collaborative process. The Institute, with the concurrence of CEQ, will contact federal agencies to determine if they are willing and prepared to participate in the assessment and the collaborative process with the states.
  4. NPCC and the Institute will work together to assure that the Best Practices set forth above are carried out during the assessment and subsequent collaborative process or conflict resolution activity.
  5. CEQ will continue to seek the advice and counsel of the Institute on federal environmental disputes related to dredge material disposal projects on the lower Columbia River and will recommend for consideration by the Governors opportunities for intergovernmental collaborative processes and other conflict resolution approaches in keeping with the best practices.
  6. It is acknowledged by all parties to this agreement that NPCC and the Institute shall maintain their impartial status as neutral institutions serving the interests of all parties to any specific dispute.
  7. This agreement is not intended to endorse an exclusive relationship among the parties to this agreement, nor to replace existing institutional relationships or

statutory requirements, but rather is entered into in the spirit of the best practices themselves as a voluntary, collaborative association.

8. This agreement shall be reviewed every two years to determine if modifications are needed to provide the direction necessary in nominating, assessing, selecting and conducting collaborative intergovernmental approaches for sustainable dredge material disposal projects in the lower Columbia River.



Gary Locke  
Governor of Washington



Theodore Kulongoski  
Governor of Oregon

Date:

Nov. 3, 2003

Date:

Nov. 7, 2003



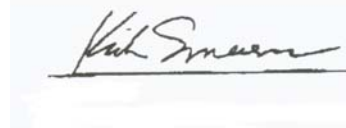
James L. Connaughton  
Chair, Council on Environmental  
Quality, EOP

Date:

Jan 15, 2004



Greg Wolf  
Director, NPCC



Kirk Emerson  
Director,  
US Institute for Environmental  
Conflict Resolution

Date:

Nov 10, 2003

Date:

Nov. 11, 2003