

Conference Call – Minutes
Nov. 9, 2004
11am eastern/9am mountain/AZ
Off Road Vehicle Management Plan/EIS
Reg-Neg Update with Mike Eng,
US Institute for Environmental Conflict Resolution

1. Introductions

- US Institute for Environmental Conflict Resolution: Mike Eng
- EQD: Sandy Hamilton, Michael Edwards, Sarah Bransom
- Cape Hatteras National Park: Mary Dahl, Steve Bryant, Jeff Cobb, Steve Harrison
- Regional Office: Jamie Hammond, Sherri Fields
- LB: Dana Otto, Lori Gutman, Jayni Shah

2. Review of Reg-Neg Process – Situation Assessment

a. Questions on Reg-Neg Process or Task Agreement

- Task order has been established under the Interagency Agreement with EQD headquarters.
- The Statement of Work includes an assessment to determine whether negotiated rulemaking is feasible.
- Reg-Neg process will have two phases. The first phase is selecting a neutral contractor, and the second phase is to conduct an assessment to decide if reg-neg would be feasible.
- If assessment says reg-neg is feasible, subsequent phases in reg-neg will be implemented.
- \$54,000 has been budgeted through the completion of the assessment phase to select a neutral contractor, conduct an assessment, and write a report.
- The approach to the reg-neg process is laid out in the law, and is a deliberative approach.
- The questions used in the assessment phase will be developed by the third party neutral contractor. This will be done with collaboration from the planning team and there will be an opportunity for feedback. These questions will be used in an interview protocol/script that is not too formal and will help to identify key concerns.
- E-mail is most useful form of communication.
- This process has been used for Golden Gate and the Grand Canyon.

3. Update of where we are in the process of selection of the neutral

a. Discussion of criteria to use for selection of the neutral

- An advanced notice or press release needs to be sent out. A press release will be quicker
 - Stakeholders will be involved in the selection of the neutral
 - An email should be sent to interested stakeholders, letting them know about the process, and inviting them to participate in the selection process.
 - Interested stakeholders will need to commit 1 full day and should be willing to pay to get to the park.
 - The stakeholders will provide advice and will be part of the process, but they are not part of the final decision. In a debriefing they will help to evaluate the strengths and weaknesses of the candidates.
 - The formal decision is up to the agency and the Institute.
 - Fairly generalized criteria will be used
 - Won't focus only on people who have done ORV issues
 - Once a candidate is chosen, they will be awarded a sole source contract. This is legitimate because there is an exemption for the sole sourcing of neutral contractors.
 - The US Institute will be establishing the contract.
- b. Date for interviews? Date for orientation meeting?**
- A request for a statement of interest, availability, and qualifications must be sent to possible contractors as soon as possible. This request should be circulated for comment before it goes out. Set deadline of Thanksgiving.
 - The announcement will be sent to 25 or 30 contractors in hope of getting 7 to 10 responses. Distribution will focus on regional contractors as much as possible.
 - Before interviews, need to put out request, allow 2 to 3 weeks for response, and allow 1 to 2 weeks to select finalists.
 - Finalists will be selected by the holidays.
 - Interviews could be conducted after Christmas, in the first or second week of January
 - Orientation at the end of January
- c. Reg-Neg/NEPA timeline revisions**
- Start assessment in the middle of February
 - After the neutral is selected, the list of stakeholders will be narrowed down to those who are articulate, represent a given interest, represent a constituency, and have a breadth of perspectives. There is currently a list of 25 parties, as well as a broader list.
 - Those interviewed will not necessarily be on the reg-neg committee. Committee selection is subsequent.
 - FACA charter will have to be ready to go at end of assessment process.
 - At end of assessment develop a written report for public consumption. This will be done by April.
 - Reg-neg proposal would occur in May

- This schedule should put us about in line with the timeline Jeff, Jamie, and Sherri worked on.
- A timeline will be put together and distributed

4. Update on NEPA process

- Internal scoping meeting to occur next week at the park

5. Reg-Neg evaluation process

- Elena Gonzalez at the DC office has a mandatory evaluation.
- The evaluation should be looked at now so that it is planned into the process.
- There are two slightly different processes, a departmental evaluation of reg-negs and an evaluation of all projects including their success and a participant evaluation.
- The Institute is in the process of updating a questionnaire. OMB should approve it in early January and it would be available in a draft form.

6. Other questions/concerns?

- Points of Contact Jeff at the Park, Sandy at EQD, Jamie at the Regional Office, and Dana at Louis Berger
- Louis Berger should be kept up date with the process. Scope of work doesn't include them being at the organizational meeting, but this might be desirable.
- Jeff will provide Mike with a stakeholder contact and distribution list.
- Need to solicit input and start draft on Statement of Interest, Availability, and Qualifications right away.
- Provide Mike with comments and suggested additions in about a week.
- Financial negotiations occur after choices are narrowed down.