

**FY 2014 DEPARTMENT OF TRANSPORTATION
Environmental Collaboration and Conflict Resolution (ECCR)¹
Policy Report to OMB-CEQ**

On September 7, 2012, the Director of the Office of Management and Budget (OMB), and the Chairman of the President's Council on Environmental Quality (CEQ) issued a revised policy memorandum on environmental collaboration and conflict resolution (ECCR). This joint memo builds on, reinforces, and replaces the memo on ECR issued in 2005.

The memorandum requires annual reporting by departments and agencies to OMB and CEQ on progress made each year in implementing the ECCR policy direction to increase the effective use and institutional capacity for ECCR.

ECCR is defined in Section 2 of the 2012 memorandum as:

“ . . . third-party assisted collaborative problem solving and conflict resolution in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and water and land management.

The term Environmental Collaboration and Conflict Resolution encompasses a range of assisted collaboration, negotiation, and facilitated dialogue processes and applications. These processes directly engage affected interests and Federal department and agency decision makers in collaborative problem solving and conflict resolution.

Multi-issue, multi-party environmental disputes or controversies often take place in high conflict and low trust settings, where the assistance of impartial facilitators or mediators can be instrumental to reaching agreement and resolution. Such disputes range broadly from policy and regulatory disputes to administrative adjudicatory disputes, civil judicial disputes, intra- and interagency disputes, and disputes with non-Federal persons and entities.

Environmental Collaboration and Conflict Resolution can be applied during policy development or planning in the context of a rulemaking, administrative decision making, enforcement, or litigation with appropriate attention to the particular requirements of those processes. These contexts typically involve situations where a Federal department or agency has ultimate responsibility for decision making and there may be disagreement or conflict among Federal, Tribal, State and local governments and agencies, public interest organizations, citizens groups, and business and industry groups.

Although Environmental Collaboration and Conflict Resolution refers specifically to collaborative and conflict resolution processes aided by third-party neutrals, there is a broad array of partnerships, cooperative arrangements, and unassisted negotiations that Federal agencies may pursue with non-Federal entities to plan, manage, and implement department and agency programs and activities. The Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving are presented in Attachment B. The Basic Principles provide guidance that applies to both Environmental Collaboration and Conflict Resolution and unassisted collaborative problem solving and conflict resolution. This policy recognizes the importance and value of the appropriate use of all forms collaborative problem solving and conflict resolution.”

¹ The term ‘ECCR’ includes third-party neutral assistance in environmental collaboration and environmental conflict resolution.

This annual report format below is provided for the seventh year of reporting in accordance with the memo for activities in FY 2014.

The report deadline is February 15, 2015.

We understand that collecting this information may be challenging; however, the departments and agencies are requested to collect this data to the best of their abilities. The 2014 report, along with previous reports, will establish a useful baseline for your department or agency, and collect some information that can be aggregated across agencies. Departments should submit a single report that includes ECCR information from the agencies and other entities within the department. The information in your report will become part of an analysis of all FY 2014 ECCR reports. You may be contacted for the purpose of clarifying information in your report. For your reference, prior year synthesis reports are available at <http://www.ecr.gov/Resources/FederalECRPolicy/AnnualECRReport.aspx>

DOT FY 2014 ECCR Report

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Date this report is being submitted:	May 12, 2015
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- ECCR Capacity Building Progress:** Describe steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2014, including progress made since FY 2013. Include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases. To the extent your organization wishes to report on any efforts to provide institutional support for non-assisted collaboration efforts include it here. If no steps were taken, please indicate why not.

[Please refer to the mechanisms and strategies presented in Section 5 and attachment C of the OMB-CEQ ECCR Policy Memo, including but not restricted to any efforts to a) integrate ECCR objectives into agency mission statements, Government Performance and Results Act goals, and strategic planning; b) assure that your agency's infrastructure supports ECCR; c) invest in support, programs, or trainings; and d) focus on accountable performance and achievement. You are encouraged to attach policy statements, plans and other relevant documents.]

The U.S. Department of Transportation (DOT) took the following steps to build programmatic and institutional capacity for ECCR in FY 2014:

- The Federal Highway Administration's (FHWA) Office of Project Development and Environmental Review's Infinite Delivery Infinite Quantity (IDIQ) contract continued to include an identified task for conflict resolution, facilitation, and mediation of environmental disputes. This task includes pre-approved third party neutrals that FHWA can use for specific project and/or program related conflicts, disputes, and issues. FHWA has allocated funding to this task to perform these services when requested.
- FHWA and the Federal Transit Administration (FTA) continued to update joint guidance to implement 23 U.S.C. § 139, which sets forth an environmental review process that includes provisions governing interagency dispute resolution. Substantial progress was made on this draft guidance during FY 2014.
- FTA increased internal infrastructure support for the environmental review process, including ECCR, by increasing the number of permanent environmental protection specialist (EPS) positions in several FTA regional offices. EPSs manage the environmental process, including preventing, identifying, and resolving environmental issues and conflicts. Additionally, FTA continued to provide EPS contractor support at headquarters and in most regional offices to further support FTA's capacity for environmental management.
- FTA included "environmental conflict resolution" as a tracking component in its environmental findings database, which is used for tracking the environmental review process for projects around the country.

2. ECCR Investments and Benefits

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

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

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

- Although the Federal Aviation Administration (FAA) did not use third-party ECCR in FY 2014, it dedicated significant personnel and other resources to negotiations that resolved environmental disputes, which facilitated the accomplishment of FAA's aviation safety mission, conserved other resources that might have been required for more formal challenges to FAA projects, and promoted better working relationships between FAA and the public and private stakeholders involved. FAA did not separately track these investments in ECCR, but they were significant, and details concerning a number of them are described in response to Question No. 7 in this Report.
- FHWA investments include funds spent on (1) the Interagency Agreement to support neutral third party facilitators; (2) FHWA project development specialists who work closely with its division offices on National Environmental Policy Act (NEPA) issues; (3) the National Transportation Liaison Community of Practice (Federally-funded liaisons at resource agencies); and (4) the expanded use of programmatic agreements through FHWA's Every Day Counts program. FHWA benefits include improved and strengthened relationships; focus on collaboration; avoidance of litigation; expedited project delivery; and the furtherance of agency mission.
- To identify investments that may be needed or that have been made in ECCR, FTA relies on regularly-scheduled biweekly environmental discussions between headquarters and regional offices, as well as its environmental findings database. The regional offices may also contact headquarters' subject matter experts to discuss individual projects and their potential need for ECCR.
- FTA has also been focused on its in-house expertise and contractual support to advance environmental issues to successful resolution, thereby minimizing the need to invoke ECCR. The absence of the need for ECCR is FTA's most beneficial measure of success.
- Similar to FAA, MARAD's investments in ECCR are difficult to quantify, because the majority of its activities relate to specific, ongoing projects across its mission areas and involve ECCR activities that are integral to project development and part of a non-ECCR programmatic employee's day-to-day tasks. Currently, MARAD does not have a process for tracking costs and benefits specifically attributable to assisted ECCR or to collaborative process support more generally. The deepwater port licensing process, however, does

allow MARAD to capture certain costs.

b) Please report any (a) quantitative or qualitative investments your agency captured during FY 2014; and (b) quantitative or qualitative results (benefits) you have captured during FY 2014.

- FHWA funded a new liaison agreement for one FTE to work at the U.S. Coast Guard (USCG) to perform bridge reviews and associated NEPA environmental work on behalf of FHWA. The term of the agreement is five years. The benefits to FHWA arising from this position, as well as from all of FHWA's national liaison positions, include improved and strengthened relationships; significant cost savings associated with reduced document preparation times, review times, and project delays; expedited project delivery; increased predictability; and furtherance of agency mission.
- FTA participated in mediation proceedings as part of the actions filed by the Beverly Hills Unified School District and the City of Beverly Hills against it in Federal court in the Central District of California, but a confidentiality agreement and the fact that this litigation is still pending prevent FTA from disclosing substantive information about the mediation.
- FTA also included environmental conflict resolution as a tracking measure in its environmental findings database, though no quantitative investment information is available because the database was staff-developed.

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

- FAA did not use third-party ECCR in FY 2014. However, non-third party negotiation activities are applied on a case-by-case basis. Determining what would have occurred and the costs associated with these activities, if negotiation and collaboration were not used, is difficult. However, these activities clearly have led to better working relationships between the FAA and the public and private stakeholders involved.
- MARAD encounters several difficulties generating cost and benefit information regarding ECCR. First, determining when an activity falls under the umbrella of ECCR, when such activities include informal discussions with stakeholders, sponsors, and/or local, State, or Federal Government partners, is difficult. Such activities may be conducted informally or subsumed into larger meeting agendas. This becomes even more difficult when the same individuals are not involved in the activity or type of activity across the board or when a different agency representative is charged with completing a report than the individuals working on matters in the field. Second, defining which costs should be included in any cost-benefit tracking system is also difficult. The agency does not have a formal ECCR process, does not employ any FTE charged with facilitation or ECCR, and does not view certain processes mandated by statute or regulation as ECCR. Furthermore, it is difficult to

pinpoint what cost-savings are realized (e.g., when the cost of avoided litigation is not directly related to a damage claim).

- DOT currently does not have a specific plan to address any difficulties associated with the generation of cost and benefit information.

3. **ECCR Use:** Describe the level of ECCR use within your department/agency in FY 2014 by completing the table below. [Please refer to the definition of ECCR from the OMB-CEQ memo as presented on page one of this template.] An ECCR “case or project” is an instance of neutral third-party involvement to assist parties in a collaborative or conflict resolution process. In order not to double count processes, please select one category per case for decision making forums and for ECCR applications.

	Total FY 2014 ECCR Cases ²	Decision making forum that was addressing the issues when ECCR was initiated:				ECCR Cases or projects completed ³	ECCR Cases or Projects sponsored ⁴	Interagency ECCR Cases and Projects	
		Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)			Federal only	Including non federal participants
<i>Context for ECCR Applications:</i>									
Policy development	<u>1</u>	<u>1</u>	_____	_____	_____	_____	<u>1</u>	_____	_____
Planning	<u>2</u>	<u>1</u>	_____	<u>1</u>	_____	_____	<u>1</u>	_____	_____
Siting and construction	_____	_____	_____	_____	_____	_____	_____	_____	_____
Rulemaking	_____	_____	_____	_____	_____	_____	_____	_____	_____
License and permit issuance	_____	_____	_____	_____	_____	_____	_____	_____	_____
Compliance and enforcement action	_____	_____	_____	_____	_____	_____	_____	_____	_____
Implementation/monitoring agreements	<u>1</u>	<u>1</u>	_____	_____	_____	_____	_____	_____	_____
Other (specify): <u>Project/Program Delivery</u>	<u>3</u>	<u>3</u>	_____	_____	_____	<u>1</u>	<u>1</u>	_____	_____
TOTAL	<u>7</u>	<u>6</u>	_____	<u>1</u>	_____	<u>1</u>	<u>3</u>	_____	_____
		(the sum of the Decision Making Forums should equal Total FY 2014 ECCR Cases)							

² An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2014.

³ A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2014. The end of neutral third party involvement does not necessarily mean that the parties have concluded their collaboration/negotiation/dispute resolution process, that all issues are resolved, or that agreement has been reached.

⁴ Sponsored - to be a sponsor of an ECCR case means that an agency is contributing financial or in-kind resources (e.g., a staff mediator's time) to provide the neutral third party's services for that case. More than one sponsor is possible for a given ECCR case.

Note: If you subtract completed ECCR cases from Total FY 2014 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2014 ECCR cases it should equal total cases in which your agency or department participated but did not sponsor. If you subtract the combined interagency ECCR cases from Total FY 2014 cases it should equal total cases that involved only your agency or department with no other Federal agency involvement.

4. ECCR Case Example

Using the template below, provide a description of an ECCR case (preferably completed in FY 2014). Please limit the length to no more than 2 pages.

Name/Identification of Problem/Conflict
Overview of problem/conflict and timeline, including reference to the nature and timing of the third-party assistance, and how the ECCR effort was funded
<p>The Sherman Marsh Coastal Mitigation Banking ECCR project, which concluded in 2014, is a good case study in the value of ECCR principles and the facilitation services provided by the Udall Foundation’s U.S. Institute for Environmental Conflict Resolution (U.S. Institute). This case arose in coastal Maine and involved complex issues related to “mitigation banking” for wetlands or other aquatic resources. It involved the State of Maine’s Department of Transportation’s (MaineDOT) decision to restore a salt marsh and to seek compensation, in the form of mitigation banking credits, for that restoration. It also reflects the interesting dynamics and interagency conflicts surrounding the decision-making process.</p> <p>At the onset, a severe rain event caused a dam to fail under a MaineDOT bridge. Given the impact to the natural environment and damage to the bridge brought on by the dam failure, MaineDOT decided not to replace the dam and, instead, to explore options for restoring what was believed to be one of the most significant salt marshes on the East Coast. Following Federal guidelines, MaineDOT submitted a “prospectus” to the U.S. Army Corps of Engineers (USACE) asking to deposit the Sherman Marsh site into MaineDOT’s Umbrella Mitigation Bank. USACE, in turn, consulted with an interagency review team (IRT) including the Environmental Protection Agency (EPA), U.S. Fish and Wildlife Service (FWS), Maine Department of Environmental Protection, and National Marine Fisheries Service, and FHWA, a commenting Federal agency, to consider how to handle the deposit request. The review brought to light issues that merited involvement of a third party neutral to assess the situation, substantiate and clarify the relevant issues, and help identify ways to resolve them.</p>
Summary of how the problem or conflict was addressed using ECCR, including details of any innovative approaches to ECCR, and how the principles for engagement in ECCR outlined in the policy memo were used
<p>In response to conflicting perspectives of the IRT, MaineDOT brought in the U.S. Institute to conduct assessment interviews with 16 individuals representing 7 agencies, including the IRT, FHWA, and MaineDOT staff associated with the Sherman Marsh project. Interviews focused on exploring project history, working relationships, and a potential collaborative process for resolving the conflict.</p> <p>The U.S. Institute’s assessment report provided participants with a greater level of understanding about each other’s perspectives and needs, key issues, and a recommended process for conflict</p>

resolution. After receiving the assessment report, participants asked the U.S. Institute to facilitate an issue resolution meeting involving representatives of the agencies interviewed to explore how to move forward together on the Sherman Marsh mitigation bank deposit prospectus. At the meeting, all participants reached consensus on resolving all the identified issues, including next steps with a timeline for finalizing the prospectus, allowing for public comment, and moving to a draft Instrument documenting agreement on the deposit prospectus.

Identify the key beneficial outcomes of this case, including references to likely alternative decision making forums and how the outcomes differed as a result of ECCR

Please see the response below.

Reflections on the lessons learned from the use of ECCR

The process:

- Helped participants
 - gain a better understanding of each other’s views, perspectives, and needs;
 - identify and focus on key issues to be addressed;
 - explore options on resolutions that meet participants’ common needs;
 - break through a stalemate;
 - work together collaboratively; and
 - achieve consensus;
- Prevented conflict escalation;
- Opened lines of communication;
- Improved professional relationships; and
- Resulted in more timely decisions and outcomes.

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

- FHWA’s Indiana Division Office currently is using ECCR to assist in developing a tribal consultation planning process to improve engagement of the Federally-recognized tribes during the NEPA and Section 106 processes for Indiana highway projects.

6. Priority Uses of ECCR:

Please describe your agency's efforts to address priority or emerging areas of conflict and cross-cutting challenges either individually or in coordination with other agencies. For example, consider the following areas: NEPA, ESA, CERCLA, energy development, energy transmission, CWA 404 permitting, tribal consultation, environmental justice, management of ocean resources, infrastructure development, National Historic Preservation Act, other priority areas.

- FAA has prepared a draft desk reference for FAA's NEPA procedures that outlines coordination and consultation practices for each environmental category (i.e. water, air, biological impacts, etc.) to ensure that stakeholders are notified early in the environmental process and that their concerns are heard and addressed prior to finalization of an environmental document.
- Priority uses for FHWA continue to include expanded uses of programmatic agreements with Federal resource agencies including the Indiana Bat Programmatic Agreement, NEPA and Section 106 processes, and tribal consultation.
- The Federal Railroad Administration (FRA) also uses programmatic agreements with entities such as Historic Preservation Offices to set roles and responsibilities and other agreements prior to embarking on analysis for Section 106. In addition, FRA uses Memoranda of Understanding between partners (generally State and other Federal agencies) to outline roles and responsibilities prior to undertaking NEPA analysis. FRA developed a Programmatic Agreement for the California High Speed Rail project that spells out the terms of the formal, legally-binding agreement between the FRA, the California High Speed Rail Authority, the California State Historic Preservation Office, the Advisory Council on Historic Preservation (ACHP), the USACE, and the Surface Transportation Board. This agreement establishes a process for consultation, review, and compliance with Section 106 concerning historic preservation.

7. Non-Third-Party-assisted Collaboration Processes: Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2014 to anticipate, prevent, better manage, or resolve environmental issues and conflicts that do not include a third-party neutral. *Examples may include interagency MOUs, enhanced public engagement, and structural committees with the capacity to resolve disputes, etc.*

- The Pipeline and Hazardous Materials Safety Administration (PHMSA), while not participating in or approving the construction of infrastructure, does often learn of disputes between landowners and pipeline operators. These disputes most often arise during construction of a pipeline, but also after the pipeline is operational. In an effort to assist with resolution of these disputes, PHMSA created the Community Assistance and Technical Services (CATS) Program. The mission of the CATS Program is to advance public safety, environmental protection and pipeline reliability by facilitating clear communications among all pipeline stakeholders, including the public, the operators and government officials. CATS managers provide information about the Office of Pipeline Safety programs to pipeline safety stakeholders and also work with pipeline operators to encourage prudent land use planning and prevent or mitigate excavation damage and encroachment.
- In 2009, the U.S. Saint Lawrence Seaway Development Corporation (SLSDC) formed the Great Lakes Ballast Water Collaborative (Collaborative), in conjunction with the International Joint Commission, to bring together industry, State, and Federal regulators on the issue of ballast water and invasive species in the region. One of the primary goals of the Collaborative is to share relevant, useful, and accurate information and foster better communication and collaboration among the key stakeholders engaged in the effort to reduce the risk of introduction and spread of aquatic nuisance species. The Collaborative has emphasized bringing State and marine industry representatives and respected scientists together to find workable and effective solutions to the aquatic invasive species challenge as they relate to the Great Lakes St. Lawrence Seaway System. The Collaborative's aim is not to take away from any preexisting efforts in this regard, but rather, to complement those efforts.
- Since 2005, the SLSDC has met annually prior to the opening of the Seaway navigation season with the St. Regis Mohawk Tribe. Environmental concerns such as ice breaking on the St. Lawrence River are discussed, as well as any other environmental or operational issues.
- FAA works collaboratively with other parties, including the public and other stakeholders, to resolve potential environmental conflicts. When issues may involve ECCR, the FAA coordinates with the Operating Administrations in DOT. In addition, the Chief Counsel's training curriculum guide includes courses in environmental conflict resolution. In addition, the FAA has managed and resolved several environmental conflicts without the assistance of a third party neutral. Negotiation/collaboration was used during the following:

- Los Angeles Helicopter Noise Initiative: Since 2012, the FAA has been engaged in a collaborative effort to solicit input from local communities and other stakeholders on helicopter noise and safety issues in Los Angeles County. In May 2013, the FAA issued its “Report on the Los Angeles Helicopter Noise Initiative.” This report recommended a voluntary approach to pursue remedies that reduce helicopter noise, respond to community quality-of-life and economic interests, and are consistent with airspace safety and efficiency. In late 2013, this collaborative process led to the formation of five stakeholder working groups which continue to meet on a regular basis to develop approaches to specific aspects of the issue. Over the past twelve months, FAA officials have participated in quarterly meetings with community representatives, helicopter operators, law enforcement, media, and other stakeholder groups, as well as working group meetings. Throughout this period, FAA representatives have collaborated with stakeholders to identify concerns, common ground, and approaches that offer the best opportunities to address helicopter noise issues in Los Angeles County.

- The Boston Logan Airport Noise Study (BLANS): BLANS is a noise study group undertaken by the FAA, the Massachusetts Port Authority (Massport), and the Logan Airport Community Advisory Committee (CAC). The CAC represents those communities that have authorized representatives and are, or may be affected by, Airport-related aircraft noise. The BLANS was a mitigation commitment identified in the FAA’s 2002 Record of Decision for the Boston Logan Airside Improvements Planning Project Environmental Impact Statement (EIS). BLANS’ primary focus is to determine viable means to reduce noise from aircraft operations at, to, and from Boston Logan International Airport without diminishing airport safety and efficiency. Two of the three phases of the study have been completed and the third phase is ongoing. Phase Three evaluates equitably reducing noise to communities surrounding Logan Airport. The FAA, Massport, and the CAC continue to collaborate on a regular basis to discuss results of interim tests of alternative runway use configurations and other tests needed to provide adequate information for a successful runway use program at the airport.

- Culpeper County, Virginia: The Culpeper County regional airport is adjacent to land that has been preserved as part of the Brandy Station Battlefield. Culpeper County had sought FAA approval for a series of development and safety projects at its regional airport, including a road closure. In June 2013, the Civil War Trust raised concerns about effects of that road closure on the historic battlefield. Although the Section 106 process had already formally concluded, in November 2013 the FAA reconvened the key consulting parties, including representatives of the

Civil War Trust, the Virginia Department of Historic Resources (the State historic preservation office), the ACHP, the Brandy Station Foundation (a local preservation advocacy group), the Virginia Department of Aviation, and Culpeper County. After extensive consideration of both the aviation safety and historic preservation issues, the group came up with an approach that would restrict the height of vehicles using the road. Culpeper County and the Virginia Department of Transportation are working together to refine this solution. By bringing stakeholders together, the FAA was able to lay the groundwork for continued productive discussions and collaboration among the parties.

- In 2011 as part of the implementation of Executive Order 13604, DOT and CEQ established the Transportation Rapid Response Team (TRRT) to facilitate interagency coordination to improve the efficiency and effectiveness of surface transportation delivery consistent with cultural and environmental mandates. The TRRT includes participants from DOT, CEQ, and resource agencies, including the EPA, the Department of the Interior, the National Oceanic and Atmospheric Administration, the USACE, the USCG, the ACHP, and FWS, as well as FHWA's national transportation liaisons from EPA, USACE, ACHP, and FWS.
- In accordance with a Memorandum of Understanding between FHWA and USCG, FHWA has a new national liaison at the USCG to review NEPA documents and bridge permits on behalf of FHWA.
- MARAD seeks proactively to address potentially controversial environmental issues affecting its program or projects as early as possible to resolve these issues before they become significant conflicts. For example, to streamline the review of deepwater port license applications, the Office of Deepwater Ports and Offshore Activities has assembled a multidisciplinary planning, legal, and project management team from across the MARAD community to work in concert with our partners at the USCG during the environmental review phase. MARAD has also recently updated a Memorandum of Agreement with the Occupational Safety and Health Administration and EPA to share information about its ship disposal program, address environmental compliance, and ensure continued improvements in working conditions at U.S. ship breaking facilities.
- MARAD is a proactive and engaged communicator with its stakeholder community at the local, State, regional, and national level. For example, MARAD's Gateway Offices are MARAD's day-to-day representatives throughout the Marine Transportation System (MTS). These offices are critical to the viability and effectiveness of MARAD and its future programs. In addition to other responsibilities, the Gateway Offices represent DOT and industry interests at aquatic invasive species task forces and regional planning bodies organized under the auspices of the National Ocean Council. These

offices help disseminate MARAD priorities to the industry, serve as liaisons to the regional maritime economies, and relay the concerns of a broad range of port, shipper, and carrier stakeholders to headquarters.

- MARAD also engaged with its government partners and stakeholders to address questions and resolve areas of disagreement in 2014. For example, MARAD hosted a series of public meetings regarding the National Maritime Strategy, which included panels, focused discussions facilitated by senior agency leaders, and question and answer sessions aimed at promoting collaboration and advancing engagement to building programmatic and institutional capacity for conflict resolution, including in the area of environmental impact. In addition, by employing conflict resolution techniques, MARAD and its DOD partners devised a strategy for addressing the decontamination of the M/V CAPE RAY following the successful destruction of a portion of Syria's chemical weapon stockpile.

8. **Comments and Suggestions re: Reporting:** Please comment on any difficulties you encountered in collecting these data and if and how you overcame them. Please provide suggestions for improving these questions in the future.

Please attach any additional information as warranted.

Report due February 15, 2014.

Submit report electronically to: ECRReports@omb.eop.gov

**Basic Principles for Agency Engagement in
Environmental Conflict Resolution and Collaborative Problem Solving**

Informed Commitment	Confirm willingness and availability of appropriate agency leadership and staff at all levels to commit to principles of engagement; ensure commitment to participate in good faith with open mindset to new perspectives
Balanced, Voluntary Representation	Ensure balanced inclusion of affected/concerned interests; all parties should be willing and able to participate and select their own representatives
Group Autonomy	Engage with all participants in developing and governing process; including choice of consensus-based decision rules; seek assistance as needed from impartial facilitator/mediator selected by and accountable to all parties
Informed Process	Seek agreement on how to share, test and apply relevant information (scientific, cultural, technical, etc.) among participants; ensure relevant information is accessible and understandable by all participants
Accountability	Participate in the process directly, fully, and in good faith; be accountable to all participants, as well as agency representatives and the public
Openness	Ensure all participants and public are fully informed in a timely manner of the purpose and objectives of process; communicate agency authorities, requirements and constraints; uphold confidentiality rules and agreements as required for particular proceedings
Timeliness	Ensure timely decisions and outcomes
Implementation	Ensure decisions are implementable consistent with federal law and policy; parties should commit to identify roles and responsibilities necessary to implement agreement; parties should agree in advance on the consequences of a party being unable to provide necessary resources or implement agreement; ensure parties will take steps to implement and obtain resources necessary to agreement