

NOAA FY 2014
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.udall.gov/OurPrograms/Institute/ECRReport.aspx>

FY 2014 ECCR Report Template

Name of Department/Agency responding:	National Oceanic and Atmospheric Administration (NOAA)
Name and Title/Position of person responding:	Steve Kokkinakis, Senior NEPA Specialist
Division/Office of person responding:	NOAA Office of Program Planning and Integration
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Date this report is being submitted:	February 11, 2015
Name of ECR Forum Representative	Steve Kokkinakis

1. **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.]

Office of Program Planning & Integration (PPI) - PPI is revising NOAA's policy on implementing the National Environmental Policy Act (NEPA), which establishes NOAA policy and procedures for complying with NEPA. These procedures will encourage use of environmental collaboration and conflict resolution principles and strategies as described in the 2007 CEQ "Collaboration in NEPA" Handbook and from the U.S. Institute for Environmental Conflict Resolution.

National Marine Fisheries Service (NMFS) –

Office of Aquaculture: The NOAA Aquaculture Program conducts research, regulatory, and outreach activities to inform permitting systems for marine aquaculture and improve the public's understanding of aquaculture and its critical role in support of sustainable fisheries, seafood production, and U.S. coastal communities. In FY2013, policy and science experts from the NOAA Office of Aquaculture convened and participated in workshops and meetings with federal, state, and local regulators and stakeholders to address environmental and other concerns related to sustainable development of marine aquaculture.

In FY2014, these efforts to gain stakeholder views through facilitated workshops and meetings provided input and impetus for the production of the Information Guide for Shellfish Growers. The guide contains information on the main types of leases, permits, and other forms of authorization needed for commercial shellfish farming. It also provides links to additional sources of information and contacts, including NOAA Fisheries Regional Aquaculture Coordinators who can help growers identify the specific requirements for their respective state or region. Making permitting requirements more transparent to shellfish growers is an important component of improved coordination and timely permit decisions by federal regulatory agencies.

Office of Sustainable Fisheries: While Sustainable Fisheries does not use ECCR directly, the office engages in multiple types of unassisted negotiations as part of the nature of their work and supports these activities institutionally. For instance, the processes used in development of management plans and associated regulations under the Magnuson-Stevens Fisheries Management and Conservation Act (and within the National Environmental Policy Act process) require interaction and negotiation between Fishery Management Councils, states, constituents, and the NMFS Service. In working with the three Interstate Marine Fisheries Commissions (Commissions), NMFS Service participates in the Commission process, which includes discussions and negotiations by all parties. As such, Sustainable Fisheries has successful methods in place to reach out directly to individual states, other Federal agencies, organizations, constituents, and other groups.

One example of facilitated decision making in 2014 is related to complex New England groundfish issues. NMFS tasked a Groundfish Economic Coordinating Committee with exploring possible reasons the quota for some groundfish species was not fully harvested in the 2013 and 2012 fishing years. Staff from across NMFS

worked with the Groundfish Economic Coordinating Committee to organize workshops to identify possible constraints on fishing, and to explore ideas and options to reduce these constraints. NMFS held three such meetings with an independent third party facilitator, who set a collaborative tone on neutral territory that ensured that the effort was attractive to a broad group of participants. The resulting efforts fostered constructive conversations and identification of a prioritized list of issues, as well as identification of research questions. Fishermen and others were then informed about experimental fishing permits (EFPs), including how to develop EFPs to address the questions they had developed, how NMFS staff can help in the EFP process, and how the results of research conducted with an EFP can feed into management decisions. The presentations and materials from the two workshops and the EFP Informational Session are available on GMRI's website:

<http://www.gmri.org/our-work/fishing-industry-innovation/sector-support/convening>.

Office of Protected Resources: Protected Resources staff around the country interact with States and Tribes in matters such as the Pacific Salmon Recovery Planning under the Endangered Species Act (ESA) and Take Reduction Teams under the Marine Mammal Protection Act. Stakeholder meetings have been used (especially with Fishery Management Councils) to develop alternative Reasonable and Prudent Alternatives under Section 7 of the ESA. Protected Resources has contracted with one entity to facilitate all Take Reduction Team meetings to increase national consistency and reduce time associated with preparing for meetings, thereby reducing costs.

NMFS notes in 2014 that this facilitator has significantly helped the agency implement best practices developed in the prior year for effectively working with Teams and turning diverse viewpoints into consensus. An example of success in 2014 has been the quick work of the Atlantic Large Whale Take Reduction Team. Following the release of the "vertical line rule", which applied regulations to protect large whales from entanglement, many stakeholders had concerns about the impacts of the regulations on their fishing activities. The Take Reduction Team in two instances developed modifications to the regulation that were environmentally neutral but met stakeholder concerns. In both instances, the modifications were approved with full or near consensus votes of the team members.

An additional example of positive 2014 use of ECCR is NMFS's Greater Atlantic region's approach to facilitation for the Marine Mammal Health and Stranding Response Program. This program coordinates a network of nonprofits, academic institutions, aquaria, and other entities from coastal states to respond to marine mammal strandings. The Greater Atlantic Regional Fisheries Office oversees, coordinates, and authorizes these activities and provides training to personnel, but does not typically respond to strandings themselves. A strong working partnership here is key to achieving NMFS's mission to conserve marine mammals and provide stranding assistance. NMFS utilized an independent third party facilitation service to improve relations between NOAA Fisheries Greater Atlantic Region staff and Network members, as well as to improve relations between Network members

themselves. The agency expended approximately \$24,000 to hire the facilitator. NMFS and the facilitator convened the meeting in September 2014. As a result of the facilitated meeting, the group: 1) identified a set of principles intended to guide and strengthen the network partnership and interactions; 2) outlined roles and responsibilities associated with key tasks for headquarters, region, individual network members and the Stranding Response Consortium; 3) identified a series of concrete recommendations to improve communications among participants; and 4) agreed on a series of next steps intended to continue work started in the dialogue.

A final example of successful third-party facilitated natural resource management decision making is a new process of incorporating a mediator and facilitator into the workings of the Endangered Species Act Joint Task Force (Task Force). The Task Force is composed of representatives from NMFS, FWS, and several state wildlife management agencies. The members of the Task Force are high-level administrators, and the Task Force seeks to find resolution to issues of concern and build stronger bridges in federal-state cooperation on the implementation of the Endangered Species Act. Over the past year, the Task Force has employed a third-party neutral facilitator to help structure and manage the work of the task force and facilitate strong communication between the members. This facilitator is aiding in the effectiveness of the Task Force and building momentum in the Task Force's progress toward its policy goals.

Science Centers: Environmental conflict resolution is completed at each Science Center through a Stock Assessment Review Committee (official name of Committee varies by region). This group usually meets twice annually to evaluate stock assessments for specific groups of commercial fish and shellfish stocks. The Committee is typically composed of a Chair (representing the Fishery Management Council's Scientific and Statistics Committee) and 3 independent reviewers from NOAA's Center for Independent Experts. The Committee deliberations are open public meetings and are typically attended by industry and NGO scientists. It is the Committee's job to review the assessments, consider comments from the participants in the meetings, and present to the Center their assessment of the quality of the assessment.

National Ocean Service (NOS) – NOS's Office of Ocean for Coastal Management (OCM) conducts various levels of conflict resolution and mediation as part of the Coastal Zone Management Act (CZMA) program, particularly related to CZMA "national interest" areas: Federal Consistency, Changes to State CZMA Programs, American Indian and Alaska Native activities, military activities, etc. These may be resolved through informal phone calls and emails or more formal processes agreed to by the parties. In FY2014, issues were informally resolved through collaborative processes.

NOS's National Centers for Coastal Ocean Science (NCCOS) does not directly conduct third-party neutral assistance during environmental collaboration and environmental conflict resolution. However, NCCOS does conduct research nationwide on coastal ecosystems and coordinates with other Federal agencies,

States, Tribes, local governments, and coastal managers to provide the scientific information they need to make decisions about their coasts. This scientific information may be used in potential environmental conflict situations. Some examples of how this science is used includes: Harmful Algal Bloom (HAB) assays for shellfish safety (NW tribes); Benthic and fauna coastal mapping for offshore wind farm sighting (NY); and Impact of pollution on fish populations (therefore fish management plans and catch limits).

Oceanic and Atmospheric Research (OAR) – OAR has formed a compliance team with representatives from each of its laboratories and programs to ensure a consistent approach to environmental compliance. The team’s goal is to lead OAR in developing (1) a culture that values NEPA as a decision-making tool and (2) a capacity for systematic and comprehensive compliance with the spirit and letter of NEPA. NEPA is used within OAR as an overarching approach to environmental compliance, which includes conflict management and strategic planning. OAR has implemented an environmental compliance training program which includes ensuring agency decision makers are aware of the requirements of NEPA, Endangered Species Act (ESA), Marine Mammal Protection Act (MMPA), Magnuson Stevens Act (MSA) and other key environmental statutes, including when and how to inform and involve stakeholders in agency decision making.

National Weather Service (NWS) - Leadership, project managers and staff are aware of and utilize the ECCR process. The use of the ECCR is dependent on existing conditions for new site construction or renovations of existing facilities. There were no specific instances to highlight over the past five-year period (FY 2010 through FY 2014).

The NWS routinely implements the National Environmental Policy Act (NEPA) evaluation process early in the construction/renovation planning phase to identify any potential issues. NWS consults with other experts, such as the NOAA Safety and Environmental Compliance Office (SECO), NOAA General Counsel, and other NWS internal experts located in various regional offices.

Progress and evaluation of current and proposed projects is a topic discussed at the NWS Facility Management Bi-Monthly teleconferences. This forum allows for open discussion of potential items that may warrant use of the ECCR process and possible mitigation measures. NWS strives to reduce, minimize, or eliminate conflicts by early identification of potential problem areas, use of the NEPA process, involvement of knowledgeable staff, and ongoing project review and analysis.

National Environmental Satellite Data and Information Service (NESDIS) - Within the past five years, NESDIS has not been contacted by outside entities that would require initiating a formal Environmental Collaboration and Conflict Resolution (ECCR) response, or would require the need to develop formal capacity for such activity within NESDIS. Hence, no steps have been taken to build such

capacity.

However, the ECCR concept is addressed through fully embracing an approach to environmental planning and compliance that avoids the need for ECCR. NESDIS approach to ECCR is to practice aggressive risk management from project inception and with daily operations. For example, NESDIS routinely accomplishes reviews in accordance with the National Environmental Policy Act (NEPA), and other relevant laws, early in construction planning phases to research alternatives, correspond with stakeholders, and identify potential issues of concern. NESDIS adopts a similar approach to environmental compliance issues.

NESDIS' goal is to accomplish an appropriate level of NEPA evaluation for all projects in an effort to identify potential conflicts early in project planning stages. NESDIS relies on multi-media audits, inspections, and site visits to ensure environmental compliance. Striving to improve its overarching program, NESDIS started work on a NESDIS-wide Environmental Management Plan (EMP). The EMP will support NESDIS Headquarters and Program Office staff in program planning, project planning, and daily operations. NEPA will be one of the topics covered by the EMP.

NESDIS strives to educate all staff on the importance of thorough and collaborative NEPA review and on issue related to environmental compliance. This is, perhaps, the most important aspect of strong environmental compliance and NEPA programs.

During the NEPA process, NESDIS often provides information to outside agencies, such as local Indian tribes and local and state governments, near to, or otherwise associated with our various office locations. This courtesy develops a good professional relationship and contributes to avoiding the need for ECCR

To date, the proactive approach has prevented conflicts from arising, and hence the need for having an ECCR capacity within NESDIS.

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.

NMFS - Overall, the NMFS participates in ECR processes if such a process is proposed by a Federal action agency or is found to provide benefits (identified in Section 1(a) of the OMB-CEQ ECR Policy Memo) over existing appeal, elevation, and referral protocols established under the aforementioned laws. For example, the Office of Protected Resources always uses an ECR process for Marine Mammal Protection Act Take Reduction Teams and often uses the process in difficult Endangered Species Act negotiations. The MMPA requires that Marine Mammal Take Reduction Plans be developed by consensus. ECCR is critical for achieving that consensus with diverse stakeholders. The consensus recommendations from these teams form the basis for NMFS regulations to reduce marine mammal bycatch in commercial fisheries, thereby achieving the goals of the MMPA.

NOS - NOS does not provide a separate budget for ECCR activities or hiring neutrals. However, mediation and conflict resolution are important components of Position descriptions for NOS's OCM Senior Policy Analyst/National Interest Team Lead and OCM's Federal Consistency Specialist. Both of these positions have attended mediation classes through the agency and Alternative Dispute Resolution courses during law school. At any given time, approximately .25-.75 percent of both the Senior Policy Analyst and Federal Consistency Specialist's time may be spent on conflict resolution activities. In addition, the science provided by NOS's NCCOS may result in cost savings for information users and can improve and inform agency environmental and natural resource planning efforts.

NWS - Economic analysis is conducted for projects to determine the net present values for different construction options. This data can be retrieved to provide a general analysis of cost avoidance and net savings related to the implementation of the ECCR process. There have been no instances where the ECCR process was used between FY 2010 through FY 2014.

OAR - OAR hired an environmental compliance officer (1 FTE) in the fourth quarter of FY2014. The compliance officer is working with OAR laboratories and programs to document a consistent approach to environmental compliance for OAR's planning and program implementation. This includes identifying whether collaboration or conflict resolution is appropriate. OAR has not had any ECCR

cases to date.

NESDIS - As described in Question 1, there have been no concerns or issues identified where NESDIS would require the development of ECCR capacity. However, because of a proactive, collaborative approach to natural resource management, non-quantitative intangible benefits do exist. For example, benefits from collaborating with host land tenants to produce mutually acceptable NEPA review documents for NESDIS-sponsored projects. It is difficult to quantify these benefits, but cost avoidance (time and money) for maintaining positive host-tenant relationships is real, and have been garnered through the NESDIS commitment to environmental compliance.

- 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.

NMFS - While it is difficult to quantify investments and results from ECCR activities the agency engaged in during FY 2014, qualitative results are demonstrated by positive outcomes generated through these processes and described in the case study portions of this report. Where a positive outcome involves the eventual cessation of litigation on a particular regulatory matter, benefits are expected to accrue in reduced hours spent by staff, leadership, and counsel on litigation preparation, planning, and record production.

ECCR can also be quantified through the number of times it was used during FY 2014. For instance, ECCR was used to help facilitate marine mammal take reduction teams in multiple meetings.

NESDIS - Collaborating with staff of the NEPA and Community Planning offices of the US Navy Activity (USNA) in Monterey, CA, NESDIS realized a cost avoidance of \$80,000 - \$200,000, though not directly through an ECCR process.

Savings were realized through NESDIS staff participation in formal siting approval and NEPA review processes by the USNA for a sizeable NESDIS antenna replacement project on USNA property. USNA staff knowledge and experience of the local area provided important information for the NESDIS NEPA review that precluded unnecessary time and effort NESDIS likely would have expended.

Key to the success of the collaboration with USNA environmental specialists was respecting their expertise, and then using their products, as published, to assist in accomplishing NESDIS' independent NEPA review.

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

NMFS – Because it is not possible to determine whether a particular case of ECCR avoided litigation or reduced staff time needed for discussions on a particular issue, it is difficult to quantify those forms of cost savings resulting from ECCR. Rather, the agency addresses the benefits realized from ECCR through qualitative positive outcomes from its use.

In addition, a time lag exists between the time ECCR is used and the time benefits are realized under natural resource management regulatory cycles. The federal rulemaking process and eventual gains to the ecosystem can take several years. However, the agency frequently captures the benefits of effective regulation and management through economic studies and ecosystem valuation efforts.

NESDIS - There has been no requirement for NESDIS to initiate a formal ECCR process and as a result there is no cost data available for deriving a cost benefit analysis. In the event that a need develops which requires NESDIS to implement an ECCR process, cost data will be collected and maintained for performing benefit analysis.

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	3	3	_____	_____	_____	3	3	_____	3
Planning	_____	_____	_____	_____	_____	_____	_____	_____	_____
Siting and construction	_____	_____	_____	_____	_____	_____	_____	_____	_____
Rulemaking	3	3	_____	_____	_____	3	3	_____	3
License and permit issuance	_____	_____	_____	_____	_____	_____	_____	_____	_____
Compliance and enforcement action	_____	_____	_____	_____	_____	_____	_____	_____	_____
Implementation/monitoring agreements	_____	_____	_____	_____	_____	_____	_____	_____	_____
Other (specify): _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL	6	6	_____	_____	_____	6	6	_____	6
		(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
Please see the case examples provided above.
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
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
Reflections on the lessons learned from the use of ECCR

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

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.

NMFS - NMFS engages in multiple types of negotiations as part of our regulatory program under the Magnuson-Stevens Act. Our collaboration with the regional Fishery Management Councils is a key part of our work in the conservation and management of the nation's marine resources. The agency frequently interacts with the Councils (who are composed of representatives of states, the commercial and recreational fishing sectors, and environmental, academic, and federal government interests) and conducts public hearings with stakeholders.

In addition, the agency frequently addresses cross-cutting challenges -- for instance in the offshore energy development arena -- by acting as a cooperating agency for the development of Environmental Impact Statements and through consistent staff and leadership meetings on issues of concern.

NOS - NOS's NCCOS utilizes the NEPA evaluation process for scientific research projects. This process assists management in identifying and addressing potential conflicts and with prioritizing research needs prior to making a final decision. This process includes an evaluation of

applicability compliance requirements and consultation with regulatory authorities. For example ESA, MMPA, National Marine Sanctuary Act (NMSA), and MSA.

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.*

NOS - NCCOS routinely consults and collaborates with coastal decision makers, scientists, and government agencies regarding their scientific information needs. This interaction includes MOUs and public engagement and leads to a better understanding of the scientific information provided by NCCOS.

NESDIS -

NESDIS regularly consults with NEPA experts in the NOAA Office of Program, Planning and Integration, NOAA General Counsel, and with outside entities. Often, NESDIS participation has contributed to formulating revisions of NOAA NEPA policy and procedures.

In Question #1, above, NESDIS stated its proactive stance towards collaborative efforts in natural resource management. Here are examples in which NESDIS participates in collaborative events. The first two activities are currently underway:

1. Representatives of NOAA, the National Aeronautics and Space Administration (NASA), Federal Aviation Administration (FAA), and the U.S. Air Force (USAF) periodically meet to collectively explore ways to improve communication and to collaborate on NEPA for activities involving our Agencies.

NESDIS is the only NOAA Line Office to participate in the meetings as a member in full attendance. NESDIS participation is the result of the NESDIS-NASA collaborations on spacecraft launches, use of existing NESDIS-NASA land use agreements, and collaborating on NEPA reviews (see #2, below).

2. The NASA Wallops Flight Facility (WFF) is in the process of conducting a Sitewide Programmatic Environmental Impact Statement (PEIS). NESDIS is documented as one of the several Cooperating Agencies in the Sitewide PEIS Memorandum of Understanding. Representatives of NESDIS Headquarters and the NESDIS Wallops Command Data Acquisition Station

(WCDAS) continue to participate in the Sitewide PEIS activities.

3. In accordance with a host-tenant land-use agreement, NESDIS recently completed a NEPA review for an antenna replacement project on a U.S. Navy Activity (USNA) Station in Monterey, CA. USNA staff were very helpful, and they were very knowledgeable of NEPA requirements in their location. Open information communicated between the two Agencies allowed the USNA and NESDIS to complete respective NEPA review with the least amount of time and effort.

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.

NESDIS - NESDIS did not encounter difficulties collecting data. The ECCR questions are clearly written and easily understandable.

NESDIS understands that the ECCR event definition is based on third-party involvement. Though the ECCR Report allows for describing non-ECCR events in Question 7, based on NESDIS experience in working with other federal and state agencies as part of its NEPA process, we suspect a large amount of voluntary collaboration between agencies is lost due to the strong focus on third-party involvement.

Suggestion: Provide a row in the table in Question 3 for non-third party or voluntary ECCR. This would show that positive work is being accomplished without the need of third-parties, and would help to show that ECCR has become, or is becoming, operationalized. With such data, one might conclude that ECCR is a positive program with real impact and results. Collecting cost avoidance in these cases might be less than productive with current levels of agency resources, and for the level of accuracy such estimates might lack. Just listing the occurrences would be enough.

Please attach any additional information as warranted.

Report due February 15, 2015.

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