



ENVIRONMENTAL COLLABORATION AND CONFLICT RESOLUTION AND THE NATIONAL ENVIRONMENTAL POLICY ACT

NEPA AND FEDERAL ACTIONS

The National Environmental Policy Act (NEPA) is a Federal procedural law that requires Federal agencies to evaluate environmental, economic, and cultural effects of actions that have a significant impact on the human and natural environment.

NEPA, its implementing regulations, and Council on Environmental Quality (CEQ) guidance encourages lead agencies to engage cooperating agencies, which includes Federal, State, Local and Tribal governments, throughout the process. Lead agencies are also required to provide the public with the opportunity for review and comment on the agencies' evaluations. A majority of challenges arising from the NEPA process concern coordination among cooperating agencies and conflicting opinions between agencies and the public. Although such conflicts can negatively impact relationships and project delivery, and sometimes culminates in litigation, environmental collaboration and conflict resolution (ECCR) has proven to be an effective and less-costly approach to resolving NEPA-related conflicts.



ABOUT US

The John S. McCain III National Center for Environmental Conflict Resolution (NCECR) is a program of the Udall Foundation, which is an independent, nonpartisan Federal agency of the Executive Branch. NCECR provides [collaboration](#), [consensus-building](#), and [conflict resolution services](#) on a range of environmental, natural and cultural resources, Tribal, and public lands issues involving the Federal Government.

ECCR IN THE NEPA CONTEXT

ECCR includes a set of approaches, tools, and techniques to support collaboration and prevent, manage, and resolve conflicts. This suite of tools and approaches can be applied to NEPA processes with great success. The National Environmental Conflict Resolution Advisory Committee (NECRAC), a Federal advisory committee established to explore strategies for improving NEPA implementation, reported that:

- Effective ECCR can produce agency decisions that manifest the national environmental policies framed in Section 101 of NEPA;
- NEPA's policies and ECCR techniques are available to serve as mutually reinforcing tools to help the federal government make sound decisions; and
- NEPA can provide common goals for all federal agencies, while ECCR practices can create the conditions under which these goals can be realized (*U.S. Institute for Environmental Conflict Resolution, National ECR Advisory Report: Final Report Summary, 2005*).

BENEFITS OF ECCR



BETTER OUTCOMES
More durable solutions



EFFICIENCY
Cost savings, timely process,
minimizes litigation



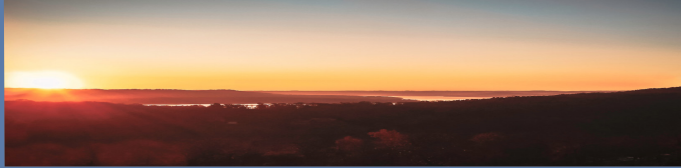
IMPROVED GOVERNANCE
Increased capacity to serve citizens



NCECR NEPA PROJECT OUTCOMES

Federal agencies often turn to NCECR for assistance with assessing collaboration opportunities and resolving the types of environmental conflicts commonly involved in the NEPA process. To date, NCECR has engaged in a number of NEPA-related projects, notably:

MISSOURI RIVER ECOSYSTEM RESTORATION PLAN (MRERP)



BACKGROUND: NCECR supported the U.S. Army Corps of Engineers in conducting a collaborative long-term study regarding restoration on the Missouri River by designing and implementing a unique and pioneering stakeholder engagement program across eight states.

OUTCOME: NCECR provided more than 180 participants and observers with a robust public engagement program within the NEPA context, including state-wide public dialogues, which resulted in a 30- to 50-year mitigation, restoration, and recovery guidance plan.

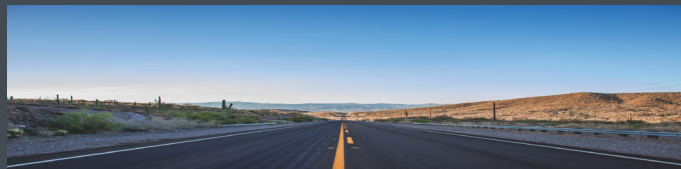
GUAM MILITARY BASE RELOCATION



BACKGROUND: NCECR conducted an assessment for potential collaboration between Federal agencies and non-Federal parties on a dispute over a military base relocation from Okinawa, Japan, to Guam and assessed impacts that relocation could have on Guam's coral ecosystems.

OUTCOME: Informed by NCECR's assessment, the parties successfully negotiated an agreement for a process to complete the coral assessment that adhered to the proposed timelines under NEPA and Section 404 of the Clean Water Act.

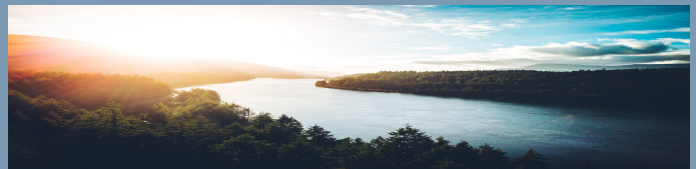
INTERSTATE 11 TIER 1 EIS CORRIDOR STUDY - PIMA COUNTY, ARIZONA



BACKGROUND: NCECR assisted the Federal Highway Administration (FHWA) and the Arizona Department of Transportation (ADOT) in deciding how to address community concerns surrounding the I-11 Tier 1 Environmental Impact Statement (EIS) Corridor Study.

OUTCOME: NCECR led the design, facilitation, and documentation of two sets of intensive stakeholder engagement meetings and prepared a report, which assisted FHWA and ADOT in deciding on a final alternative as part of the EIS process.

COLUMBIA RIVER SYSTEMS OPERATIONS (CRSO) CULTURAL RESOURCES TEAM FACILITATION



BACKGROUND: The Bonneville Power Authority, the Bureau of Reclamation, and the U.S. Army Corps of Engineers requested consultation and facilitation services to support decision-making processes used by the CRSO EIS Cultural Resources Team.

OUTCOME: NCECR facilitated the CRSO Cooperating Agency-Cultural Resources Team, which included cooperating agency partners and impacted Native Nations, to help identify additional materials and resources required for lead agencies to define and analyze impacts to cultural resources in the CRSO EIS.

COLLABORATION IN NEPA HANDBOOK

NCECR worked with the Council on Environmental Quality to create *Collaboration in NEPA: A Handbook for NEPA Practitioners*. This handbook is a public resource and is an excellent tool for agencies to incorporate ECCR into their NEPA review processes (*Council on Environmental Quality, Collaboration in NEPA: A Handbook for NEPA Practitioners, 2007*).