

NOAA FY 2013
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 2013.

The report deadline is March 3, 2014.

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 2013 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 2013 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>

FY 13 ECCR Report Template

Name of Department/Agency responding:	National Oceanic and Atmospheric Administration
Name and Title/Position of person responding:	Steve Kokkinakis, Senior NEPA Specialist
Division/Office of person responding:	NOAA Office of Program Planning and Integration
Contact information (phone/email):	(240) 533-9021
Date this report is being submitted:	Steve.Kokkinakis@noaa.gov
Name of ECR Forum Representative	March 3, 2014

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 2013, including progress made since FY 2012. 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.

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. In working with the three Interstate Marine Fisheries Commissions (Commissions), NMFS 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.

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 (MMPA). 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 2013 that this facilitator has significantly helped the agency develop best practices for effectively working with Teams and turning diverse viewpoints into consensus.

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 Non-government organization 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' Office of Ocean and Coastal Resource Management (OCRM) - OCRM 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 FY2013, issues were informally resolved through collaborative processes.

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 in FY 2009 through FY 2013. However, there were two instances in FY 2008 where the ECCR process was an instrumental tool in resolving conflicting interests and providing for a positive outcome.

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 four years, NESDIS has not been contacted by outside entities that would require initiating a ECCR response, or 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 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 NEPA, and other relevant laws, early in construction planning phases to research alternatives, correspond with stakeholders, and identify potential issues of concern. NESDIS routinely 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 audits, inspections, and site visits to ensure environmental compliance.

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 field locations. This courtesy develops a good professional relationship and contributes to avoiding the need for ECCR

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

Oceanic and Atmospheric Research (OAR) - OAR's National Sea Grant Program has been active in the area of building institutional capacity for environmental collaboration and conflict resolution through providing training and services as neutral third party facilitators. For example, North Carolina Sea Grant is planning a workshop designed to train people on how to conduct and facilitate the Vulnerability, Consequences, and Adaptation Planning Scenarios, or VCAPS, process. VCAPS is used to initiate community discussions of the outcomes, consequences and decisions that can be made in response to environmental hazards. This workshop will provide an overview of VCAPS and facilitation training through numerous interactive exercises that give participants the opportunity to practice making VCAPS diagrams and facilitating VCAPS groups.

One of the many other capacity building and facilitation activities was provided by the Rhode Island Sea Grant Fisheries Program's success in the National Sea Grant Fisheries Extension Enhancement Initiative. "Better Information for Better Management: Fisheries Educational Workshops" will provide a forum intended to stimulate dialogue among individuals and agencies with a stake in the fisheries and fishery management.

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' OCRM does not provide a separate budget for ECCR activities or hiring neutrals. However, mediation and conflict resolution are important components of Position descriptions for OCRM's Senior Policy Analyst/National Interest Team Lead and OCRM'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 of conflict resolution activities.

NWS - Economic analysis is conducted for all projects and frequently utilizes the Automated Prospectus System (TAPS) 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 2009 through FY 2013.

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 2013; and (b) quantitative or qualitative results (benefits) you have captured during FY 2013.

NMFS - While it is difficult to quantify investments and results from ECCR activities the agency engaged in during FY 2013, 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 2013. For instance, ECCR was used to help facilitate marine mammal take reduction teams in multiple meetings; in the five meetings where full consensus was the goal, 4 of the 5 achieved consensus.

NESDIS - Collaborating with the host of the US Coast Guard Communications Station (USCGCS) in Miami, FL, NESDIS realized a cost avoidance of \$150,000 - \$200,000, though not directly through an ECCR process. Savings were realized by showing NOAA Corporate Offices adequacy of publishing a Categorical Exclusion for a proposed action that previously, before discussions between NESDIS and NOAA, would require an environmental assessment. The key to the success was NESDIS staff collaboration with environmental specialists at the USCGCS, and using their expertise and products to assist in conducting the 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.

3. **ECCR Use:** Describe the level of ECCR use within your department/agency in FY 2013 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 2013 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	1	1	_____	_____	_____	_____	1	_____	1
Planning	_____	_____	_____	_____	_____	_____	_____	_____	_____
Siting and construction	_____	_____	_____	_____	_____	_____	_____	_____	_____
Rulemaking	15	15	_____	_____	_____	15	15	1	14
License and permit issuance	_____	_____	_____	_____	_____	_____	_____	_____	_____
Compliance and enforcement action	_____	_____	_____	_____	_____	_____	_____	_____	_____
Implementation/monitoring agreements	_____	_____	_____	_____	_____	_____	_____	_____	_____
Other (specify): _____	_____	_____	_____	_____	_____	_____	_____	_____	_____
TOTAL	16	16	_____	_____	_____	15	16	1	16
		(the sum of the Decision Making Forums should equal Total FY 2013 ECCR Cases)							

² An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2013.

³ A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2013. 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 2013 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2013 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 2013 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 2013). 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>NMFS - Over the last 7 years, NMFS has been conducting interagency consultations under the Endangered Species Act (ESA) on the Environmental Protection Agency's (EPA) registration of pesticides under the Federal Insecticide, Fungicide, Rodenticide Act (FIFRA). These consultations are to ensure that the use of the pesticides (as registered and labeled under FIFRA) do not jeopardize the continued existence of ESA listed species or adversely modify their critical habitat. The most recent consultations were on the effects on Pacific salmonids and were required by a court settlement. In conducting these consultations NMFS and EPA were not in agreement on the scientific assumptions and models to be used to determine the fate and effects of the pesticides. To resolve this disagreement, the two agencies, along with the US Fish and Wildlife Agency and the US Department of Agriculture, commissioned the National Academy of Sciences to write a report recommending a way forward. This report was delivered in spring of 2013 and provided recommendations that required careful consideration by the agencies and a consensus path forward on implementation. Developing a response to the report and a path forward posed a substantial technical and organizational challenge.</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>NMFS - To most effectively use the recommendations of the report, the agencies decided to work with a facilitator. Staff scientists and senior leaders from each agency met with the facilitator to evaluate the major recommendations and determine how they could be implemented in future consultations. Cross-agency teams of scientists developed suites of options for implementing categories of recommendations. These options were presented at a week-long workshop where pros and cons were discussed, and initial ways forward were agreed to. The concept requires an iterative approach whereby the agencies will continue to work very closely together through the initial consultations and make adjustments as necessary.</p>
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

NMFS –

The facilitator, a professional in environmental dispute resolution, worked very closely with all agencies through this process. She helped the participants recognize when they were coming to agreement and assisted in movement past difficult points of disagreement. The process would not have been possible without her. A sign of the success of the process is a shift in the relationship among the agencies to one of mutual cooperation.

Facilitation aided the agencies in working together to develop shared scientific approaches that reflect the advice provided by National Academy of Sciences (NAS), and have developed joint interim scientific approaches for assessing the risks of pesticides to endangered and threatened species, based on the NAS recommendations. The agencies also agreed to a streamlined consultation process that relies on best available data, data relevance, risk characterization, and robust quantitative and qualitative analyses.

The Agencies are also working on increasing the opportunities for stakeholder input during the review of pesticide registrations under FIFRA and associated consultations under the ESA. The interim approaches for the pesticide ESA consultation process, which are based on shared assumptions, data, analytical processes and models, will be applied collaboratively as part of EPA's Registration Review program beginning in 2014.

Reflections on the lessons learned from the use of ECCR

NMFS - Consultations on the effects of pesticides on listed species are long-term processes with multiple federal partners. Because of the scientific complexity and the number of stakeholders involved, resolving conflicts among the agencies has been challenging in the past. The use of ECCR helped overcome a substantial hurdle – responding to the recommendations of the NAS report – while building a stronger working relationship among the agencies.

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.

NWS - The NEPA evaluation process is used for all projects. This process assists management in identifying potential conflicts early in the project planning stages. Where potential conflicts arise, early identification allows the NWS to develop strategies to minimize or eliminate the conflicts.

The NWS Safety and Environmental staff participated in the ongoing revision of the NOAA Administrative Order (NAO) 216-6, "Environmental

Policy Review Procedures for Implementing the National Environmental Policy Act (NEPA)”. This revision addresses collaborative negotiation and conflict resolution. Training on the revised procedures will be provided NOAA-wide to NEPA practitioners, project managers, and safety and environmental focal points.

The NWS Safety and Environmental staff completed an update of the NWS Environmental Management Manual, NWSM 50-1116, in late CY12. The update included revisions to Chapter 14, National Environmental Protection Act, with references to the NOAA NAO 216-6.

7. Non-Third-Party-assisted Collaboration Processes: Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2013 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.*

NMFS - In 2013, the Marine Mammal Health and Stranding Response Program and U.S. Navy successfully completed six Regional Stranding Investigation Assistance Plans. The Plans identify Navy regional assets, equipment, and locations or services that Navy may be able to provide NMFS in support of marine mammal response and investigations.

NOS - NOS' National Centers for Coastal Ocean Science regularly 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 less confusion regarding the resulting scientific information.

NESDIS - NESDIS regularly consults with NEPA experts in the NOAA Programming and Planning Integration Office, 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 participation is the result of the NESDIS-NASA collaborations on spacecraft launches and use of existing NESDIS-NASA land use agreements.

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

3. In accordance with a host-tenant land-use agreement, NESDIS recently completed a NEPA review for a new antenna installation on a U.S. Coast

Guard (USCGCS) Communications Station. At one point, feedback from within NOAA indicated an Environmental Assessment was required, even though the USCGCS NEPA concluded with a Categorical Exclusion. Open information communicated between the two Agencies allowed NESDIS to complete its NEPA process efficiently, and commensurate with proposed action with the USCG. It was later determined that other organizations were interested in using the same land, and NESDIS' quick response performing the NEPA work allowed the USCGCS to reserve the land for the NESDIS antennas.

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 March 3, 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