

Environmental Collaboration and Conflict Resolution (ECCR) in the Federal Government Fiscal Year 2023 Agency Reporting Template

Background

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, and defines ECCR 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.”

The 2012 memorandum requires annual reporting by Federal Departments and Agencies to OMB and CEQ on their use of Environmental Collaboration and Conflict Resolution and on the estimated cost savings and benefits realized through third-party assisted negotiation, mediation or other processes designed to help parties achieve agreement. The memo also encourages departments and agencies to work toward systematic collection of relevant information that can be useful in on-going information exchange across departments and agencies

The Udall Foundation's National Center for Environmental Conflict Resolution (National Center) has, since 2005, collected select ECCR data on behalf of Federal Departments and Agencies. *Beginning in FY 2021, the National Center is streamlining the data it collects to reduce the reporting burden on Federal Departments and Agencies and provide the most salient information on ECCR use. This updated reporting template is focused collection of ECCR case studies and data on capacity building, including ECCR training. Case numbers and context reporting are optional.*

Fiscal Year 2023 Data Collection

This annual reporting template is provided in accordance with the memo for activities in FY 2023.

The report deadline is Friday, January 26th, 2024.

Reports should be submitted to Steph Kavanaugh, NCECR Deputy Director, via e-mail at kavanaugh@udall.gov

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 a compilation of all FY 2023 ECCR reports submitted. You may be contacted for the purpose of clarifying information in your report.

For your reference, synthesis reports from past fiscal years are available at <https://www.udall.gov/OurPrograms/Institute/ECRReport.aspx>.

1. Agency Submission Information

Name of Department/Agency responding:

Department of the Air Force

Name and Title/Position of person responding:

Kelly Russell, Associate General Counsel

Division/Office of person responding:

Installations, Energy & Environment, Office of the General Counsel

Contact information (phone/email):

kelly.russell.8@us.af.mil

Date this report is being submitted:

January 26, 2024

Name of ECCR Forum Representative:

Kelly Russell

2. ECCR Capacity Building and Investment:

Describe any **NEW, CHANGED, or ACTIVELY ONGOING** steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2023, including progress made since FY 2023.

Please also include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases, including any efforts to provide institutional support for non-assisted collaboration efforts.

Please refer to the mechanisms and strategies presented in Section 5 and attachment C of the [OMB-CEQ ECCR Policy Memo](#) for additional guidance on what to include here. Examples include but are not restricted to efforts to:

- Integrate ECCR objectives into agency mission statements, Government Performance and Results Act goals, and strategic planning;
 - Assure that your agency's infrastructure supports ECCR;
 - Invest in support, programs, or trainings; and focus on accountable performance and achievement.
 - ECCR programmatic FTEs
 - Dedicated ECCR budgets
 - Funds spent on contracts to support ECCR cases and programs
- a) Please refer to your agency's FY 2022 report to only include new, changed or actively ongoing ECCR investments or capacity building. **If none, leave this section blank.**

b. Please describe the trainings given in your department/agency in FY 2023. Please include a list of the trainings, if possible. If known, please provide the course names and total number of people trained. Please refer to your agency’s FY 2022 report to include ONLY trainings given in FY 2023. **If none, leave this section blank.**

3. ECCR Case Example

Using the template below, provide a description of an ECCR case (preferably **completed** in FY 2023). If possible, focus on an interagency ECCR case. Please limit the length to **no more than 1 page**.

Name/Identification of Problem/Conflict: *[Please add case “title” here]- Alaska Notice of Activities and Use Limitation Dispute*

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.

For several years, the state of Alaska has requested Department of Defense Military Departments to record a notice of activities and use limitations (NAUL) for its properties where land use controls were selected as part of remedial actions for the site. State regulators requested use of a state template containing language that DoD found legally objectionable and therefore unauthorized. After years of separate engagements between Military Departments, Alaska regulators, and the Environmental Protection Agency (EPA), an agreement had not been reached. AF maintains a contract for use of a facilitator and engaged this neutral third party to assist the Services, Alaska regulators, and EPA in reaching agreement on the notice.

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.

The facilitator assisted all parties in specifying and communicating their needs/requirements and the basis for those needs/requirements or objections. The facilitator was able to identify the areas of agreement and work through the areas of disagreement based on stated needs or goals of the parties and achieved resolution. The resulting agreement allowed an approach that could be used across all of DoD, ending years of stalemate, and preventing further elevation and potential litigation.

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.

In addition to benefits identified above, an agreed upon template allows for expeditious implementation of cleanups across DoD installations in Alaska, improved working relationships, and the ability to focus resources on innovative cleanup efforts.

Please share any reflections on the lessons learned from the use of ECCR.

As described in the 2012 policy memorandum, having a trained facilitator who confirms the good faith commitment and willingness of all parties in the resolution process and who provides a balanced inclusion of the interests of the parties using a well-defined and transparent process can lead to successful resolution of longstanding environmental conflicts.

Other ECCR Notable Cases

Briefly describe any other notable ECCR cases in FY 2023. **(OPTIONAL)**

4. ECCR Case Number & Context Data (OPTIONAL)

Context for ECCR Applications:	Case Numbers
Policy development	_____
Planning	_____
Siting and construction	_____
Rulemaking	_____
License and permit issuance	_____
Compliance and enforcement action	_____
Implementation/monitoring agreements	_____
Other (specify): _____	_____
TOTAL # of CASES	_____

Report due Friday, January 27th, 2024. Submit report electronically to: kavanaugh@udall.gov