

## **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 26<sup>th</sup>, 2024.

Reports should be submitted to Steph Kavanaugh, NCECR Deputy Director, via e-mail at [kavanaugh@udall.gov](mailto: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 Commerce, National Oceanic and  
Atmospheric Administration**

Name and Title/Position of person responding:

**Frank M. Sprtel, Attorney-Advisor**

Division/Office of person responding:

**Office of General Counsel, Environmental Review and  
Coordination Section (ERC)**

Contact information (phone/email):

**(301)-628-1641; frank.sprtel@noaa.gov**

Date this report is being submitted:

**January 26, 2024**

Name of ECCR Forum Representative:

**Frank M. Sprtel**

## 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.**

**Office of the General Counsel, Environmental Review & Coordination Section (ERC):**

In FY2023 ERC continued to use a survey it developed in FY2022 to facilitate the collection of information used to compile this report. ERC found, and NOAA staff confirmed, that this mode of data collection was easy and convenient. As such, ERC will continue to use this survey method to collect information for future ECCR reports. ERC is always looking for new and novel ways to enhance the use of ECCR at NOAA and to educate NOAA staff as to the benefits of using ECCR. In 2023 ERC continued to develop its in-house expertise in ECCR by having one of its staff represent NOAA's interests by participating in the inter-agency ECCR forum. ERC staff also participated in regularly scheduled calls with the Udall Foundation's National Center for Environmental Conflict Resolution (NCERC) to discuss ongoing activities at NOAA, including those involving Native Nations, and how NCERC might support such activities through the use of their ECCR expertise. These calls were also used as an opportunity to share ECCR best practices, evaluate the effectiveness of current ECCR usage for various projects, and to alert staff as to future opportunities at both NOAA and NCERC where ECCR could be employed.

**National Marine Fisheries Service (NMFS):**

In FY2022 NOAA/NMFS published Notice of Intent (NOIs) to prepare Programmatic Environmental Impact Statements (PEISs) for the identification of Aquaculture Opportunity Areas (AOAs) under directives to preserve ocean sustainability and facilitate domestic aquaculture in the U.S. through the National Aquaculture Act of 1980, the NOAA Marine Aquaculture Policy, and Executive Order 13921, "Promoting American Seafood Competitiveness and Economic Growth" (May 7, 2020). NOAA has a variety of proven science-based tools and strategies that can support these directives and help communities thoughtfully consider how and where to sustainably develop offshore aquaculture that will complement wild-capture fisheries, working waterfronts, and our nation's seafood processing and distribution infrastructure.

Identifying AOAs is an opportunity to use best available global science-based guidance on sustainable aquaculture management, and support the "triple bottom line" of environmental, economic, and social sustainability. This approach has been refined and utilized widely within states and by other countries with robust, sustainable aquaculture sectors.

Considering NOAA-trust resources and stakeholder uses of a defined area will help to encourage the sustainable growth of aquaculture by siting aquaculture farms in ways that minimize impacts to those natural resources and reduce user conflicts while maximizing public input in the AOA identification process.

In FY2023 NOAA/NMFS published public scoping reports for Aquaculture Opportunity Areas (AOAs) in Southern California and the Gulf of Mexico that summarized the public comments received during the public comment period identified in the NOIs. NOAA/NMFS was alerted to a variety of conflicting views during the public scoping process that concerned the identification of AOAs and the eventual production of aquaculture-derived seafood in the AOAs and in U.S. Federal waters more generally.

- 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.**

Udall Foundation, National Center for Environmental Conflict Resolution: "Understanding Conflict and Planning for Successful Collaboration" (1 person trained)

Udall Foundation, National Center for Environmental Conflict Resolution: "Crafting Collaborative Solutions to Environmental Conflicts" (1 person trained)

Udall Foundation, National Center for Environmental Conflict Resolution: "How Federal Indian Law and Policy Empower your ECCR Toolkit" (1 person trained)

Udall Foundation, National Center for Environmental Conflict Resolution: "FPISC - Effective Collaboration & Consultation with Native Nations in FAST-41 Training" (1 person trained)

Udall Foundation, National Center for Environmental Conflict Resolution: "Connecting Generations Federal Indian Law 101 Resource" (1 person trained)

Udall Foundation, National Center for Environmental Conflict Resolution: "Connecting participants and ECCR practitioners through Stories from the Field" (1 person trained)

Udall Foundation, National Center for Environmental Conflict Resolution: "Correlations between ECCR and the Overall Health and Well-Being of Native Communities" (1 person trained)

### 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]*

**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.**

**National Marine Fisheries Service (NMFS):**

*Identification of Aquaculture Opportunity Areas (AOAs)*

NMFS Office of Aquaculture engaged in extensive intra and inter-agency collaboration on National Environmental Policy Act (NEPA) timeline being developed for the production of two Programmatic Environmental Impact Statements (PEISs)—one for the Southern California AOA and the other for the Gulf of Mexico AOA. In the NMFS Southeast Region, staff used a third party neutral to facilitate inter-agency dialog to narrow down a list of viable alternatives being considered for the Gulf of Mexico AOA. In the NMFS West Coast Region, staff used facilitation to build inter-agency partnerships regarding aquaculture topics including AOAs.

**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.**

**National Marine Fisheries Service (NMFS):**

*Identification of Aquaculture Opportunity Areas (AOAs)*

Staff in the NMFS Southeast Region held three workshops with a facilitator who employed various ECCR techniques to help staff, stakeholders, and other state and Federal government agency staff narrow alternatives being considered for the Gulf of Mexico AOA Programmatic Environmental Impact Statement.

**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.**

**National Marine Fisheries Service (NMFS):**

*Identification of Aquaculture Opportunity Areas (AOAs)*

The key beneficial outcomes of this case were strengthened inter-agency relationships not only in the NMFS Southeast Region but also in the NMFS West Coast Region.

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

**None to report.**

**Other ECCR Notable Cases**

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

None to report.

**4. ECCR Case Number & Context Data (OPTIONAL)**

Context for ECCR Applications:	Case Numbers
Policy development	_____
Planning	__ 3 __
Siting and construction	_____
Rulemaking	_____
License and permit issuance	_____
Compliance and enforcement action	_____
Implementation/monitoring agreements	_____
Other (specify): _____	_____
TOTAL # of CASES	__ 3 __

Report due Friday, January 27<sup>th</sup>, 2024. Submit report electronically to: [kavanaugh@udall.gov](mailto:kavanaugh@udall.gov)