



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CEIWR-ZA

17 October 2008

MEMORANDUM FOR MSC Commanders, Districts, Laboratories, and FOA's

SUBJECT: Designation of the USACE Conflict Resolution & Public Participation Expertise Center (CX) and Directory of Expertise (DX) at the U.S. Army Institute for Water Resources (CEIWR)

1. References:

- a. Executive Order No. 13352 - *Facilitation of Cooperative Conservation*, 24 August 2004.
- b. Joint Memorandum on *Environmental Conflict Resolution* issued by Joshua Bolton, Director of the Office of Management and Budget (OMB), and James Connaughton, Chairman of the President's Council on Environmental Quality (CEQ), 28 November 2005, directing federal agencies to "*increase the effective use of environmental conflict resolution (ECR) and build institutional capacity for collaborative problem-solving.*"
- c. CEQ Directive on Agency Implementation of Executive Order No. 13352 on avoiding litigation and resolving environmental disputes, 20 April 2006.
- d. Letter dated 29 November 2006 from John Paul Woodley, Jr., Assistant Secretary of the Army (Civil Works), transmitting the Army Civil Works 2nd *Annual Report on Environmental Conflict Resolution* to the Chairman, CEQ.
- e. ER-1110-1-8158, *Corps-Wide Centers of Expertise Program*, 16 January 1998.
- f. Policy Guidance Letter No. 61 - Application of Watershed Perspective to Corps of Engineers Civil Works Programs and Activities, 27 Jan 1999
- g. EC 1105-2-409, *Planning in a Collaborative Environment*, 31 May 2005.
- h. Civil Works Strategic Plan (2004-2009), March 2004.
- i. USACE Campaign Plan, Goal 2, Objective 2b – "*Implement collaborative approaches to effectively solve water resources problems*", August 2008.

2. Reference 1(b) defines ECR as "*third-party assisted conflict resolution and collaborative problem-solving in the context of environmental, public lands, or natural resource issues or conflicts*". This reference found that the promotion of collaborative problem solving and wider use of alternative dispute resolution (ADR) techniques is needed to help federal agencies overcome the governance challenge of balancing competing public interests which can manifest problems such as lengthy planning processes; delays in implementing decisions; protracted litigation; foregone investments; lower quality outcomes; and lack of trust between stakeholders.

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3. Reference 1(b) also requires the submission of an annual report documenting agency progress in advancing the active use of ADR and collaborative problem solving into its natural resources programs. This includes documentation of the steps being taken to build an enhanced institutional capacity for collaborative problem-solving, the number of staff trained in ADR techniques, and provision of results-oriented documentation of the number of successful outcomes as result of ADR, ranging from conflict prevention (avoidance) or minimization to conflict resolution.

4. As stated in reference 1(f), "collaboration is the keystone of the Corps watershed approach". The active use of a wide range of collaborative techniques is fully consistent with the refreshed *USACE Campaign Plan* [reference 1(i)] the *Civil Works Strategic Plan*, ([reference 1(h)]), the *Actions for Change Theme 3 on Risk Communication*, and the contemporary imperative for the Corps to work collaboratively with its Federal, State, local and NGO partners in developing consensus-based solutions to increasingly complex problems within an integrated, systems context.

5. In light of 1-4 above, it is essential that the Corps place a renewed and increased emphasis on developing, promulgating, and infusing ADR tools and other collaborative problem solving capabilities throughout USACE, including workshops and training at the executive and staff levels.

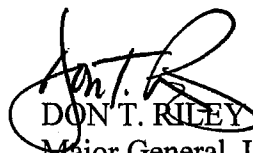
6. The Conflict Resolution & Public Participation (CPC) CX is assigned to the Institute for Water Resources (IWR), which is fully consistent with the Institute's pioneering role in the use of public participation and ADR techniques within the U.S., and most recently, in advancing the use of technically informed collaborative planning approaches such as Shared Vision Planning (SVP) and other Computer-Assisted Dispute Resolution (CADRe) techniques which combine contemporary public involvement consensus-building with state-of-the-art technical modeling to prevent or minimize the occurrence of disputes.

7. The CX will support training and outreach programs, provide consulting and technical assistance across USACE, and maintain a Directory of Expertise (DX) of both USACE and external ECR/ADR experts and techniques applicable to the full project life cycle, including regulatory and pre and post project planning. The attachment documents the responsibilities, methods and operations of the CX.

8. The lead Conflict Resolution & Public Participation CX proponents at HQUSACE are CECW and CECC. The POC's at IWR are Dr. Jerry Delli Priscoli and Dr. Hal Cardwell.

FOR THE COMMANDER:

Encl


DON T. RILEY
Major General, USA.
Deputy Commander