

**7<sup>th</sup> ANNUAL REPORT (2012) ON  
ENVIRONMENTAL CONFLICT RESOLUTION**

**FOR THE COUNCIL ON ENVIRONMENTAL QUALITY**

**OFFICE OF THE ASSISTANT SECRETARY OF THE ARMY  
(CIVIL WORKS)**

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## Section 1: Capacity and Progress

1. Describe steps taken by your department/agency to build programmatic/institutional capacity for ECR in 2012, including progress made since 2011. If no steps were taken, please indicate why not.

[Please refer to the mechanisms and strategies presented in Section 5 of the OMB-CEQ ECR Policy Memo, including but not restricted to any efforts to a) integrate ECR objectives into agency mission statements, Government Performance and Results Act goals, and strategic planning; b) assure that your agency's infrastructure supports ECR; c) invest in support or programs; and d) focus on accountable performance and achievement. You are encouraged to attach policy statements, plans and other relevant documents.]

### General Comments

In FY 2012 USACE took various steps to build programmatic/institutional capacity for both ECR and non-third-party-assisted collaborative environmental problem-solving processes, both at the headquarters level, and across the 38 Districts and 8 Divisions in the US where USACE executes its Civil Works program. While USACE has an ECR center and other programs that specifically focus on collaborative process, the bulk of USACE's collaborative activities relate to specific, ongoing Civil Works projects across all mission areas (e.g. flood risk management, navigation, ecosystem restoration) and functional areas (e.g. planning, construction, operations, and regulatory).

Across USACE Divisions and Districts there is strong support for collaborative problem solving processes with staff being encouraged with resources and training to align their activities with and implement these processes. From the highest levels of USACE, the leadership commitment to collaboration is unwavering and constantly reiterated.

Rather than rely on third-party ECR, Districts and Divisions report a preference for a proactive engagement approach with sponsors, partners and the public. They develop local, state, regional, and national teams promoting collaborative planning to anticipate problems and identify alternative solutions early so as to reduce the risk and magnitude of future environmental conflicts. We highlight these experiences in the answers to question 6 in the report. Districts, especially in the North Atlantic Division, for example, involve junior staff members in the process of active work to advance collaborative engagement with stakeholders and thus build programmatic/ institutional capacity for ECR.

Some units of USACE report that collaborative processes that did not require formal third party ECR were working well and thus did not see a need to build programmatic /institutional capacity for formalized ECR.

### Integrating ECR objectives into USACE mission statements and strategic planning:

In FY12, a new Chief of Engineers, Lieutenant General Thomas P. Bostick, took over the USACE helm and includes in his priorities: "Engaging other governmental and non-governmental partners in working toward National, Regional and Local priorities," and "Improving strategic engagement to build and maintain trust and understanding with customers and teammates."

USACE has embraced collaborative approaches to environmental problems through its Campaign Plan. [www.usace.army.mil/about/campaignplan/Pages/Home.aspx](http://www.usace.army.mil/about/campaignplan/Pages/Home.aspx). Specifically, through Goal 2: “*The Corps will collaborate with partners and stakeholders to find holistic and sustainable solutions;*” and Campaign Goal 4: “*We will strengthen critical core technical competencies*” and ...“*communicate strategically with employees, stakeholders and the public.*” During FY12, strategies and activities were developed and executed at the Headquarters, District and Division levels to implement the collaborative objectives of the Campaign Plan:

- Divisions and Centers within USACE are responsible for implementing the agency strategic direction. For example, one of the FY12 Southwestern Division Regional Priorities is to “strengthen the regional strategic customer relations plan by fully utilizing the concepts of communication, collaboration and cooperation.”
- Collaboration is integral to the Engineer Research and Development Center’s *Civil Works Research & Development Plan* that includes this cross-cutting strategy for collaboration: ***Multidisciplinary and Integrated Inter-Agency Teams:*** *Advance a watershed-based, systems approach to water resources planning and management utilizing multidisciplinary research and engineering talent from across the Corps R&D community; integrate product development teams to incorporate the diverse talent of Corps researchers and practitioners and strategic partners.*
- In accord with the USACE Campaign Plan Goals, the Great Lakes and Ohio River Division’s Implementation Plan has numerous specific actions and region-wide initiatives focusing on cultivating relationships among other stakeholder organizations to collaboratively address complex environmental problems and develop efficient sustainable solutions that appropriately balance competing interests. These actions and initiatives have been ongoing for the past several years, and the apparent lack of need for ECR within the Division may indicate success in managing potentially contentious issues in a manner that precludes the need for formal ECR.

The USACE Civil Works Strategic Plan is based on the principles of Integrated Water Resources Management, a holistic focus on water resource challenges and opportunities that reflects coordinated development and management of water, land and related resources. This strategy builds institutional abilities and capacity for collaborative problem solving which is the core of ECR processes. Work has progressed on appropriate ways to measure and display the achievement of collaborative goals.

USACE Civil Works Transformation continued to gain momentum in FY12, with the objective to “...*promote enhanced capabilities and greater involvement, ownership, concurrence and commitment among internal USACE team members, local sponsors and partners.*” A major element of Civil Works Transformation is implementation of “SMART planning” - a new USACE business process that provides opportunities for earlier collaboration with partners and the public for feasibility studies, and is being implemented using both in-house and contracted facilitators to lead planning charettes. Third-party facilitators led re-scoping charettes in Alaska, Texas, New York, South Carolina, Washington, Florida, California, the Mississippi Valley, and elsewhere across the nation. USACE Headquarters developed and led an internal training of facilitators and other SMART planning leads.

To increase awareness and institutionalize use of ECR and collaborative problem solving, Mississippi Valley Division has begun development of a local/regional ECR

Quality Management System (QMS) process for consideration and implementation steps in support of conflict resolution. A search of the QMS revealed no apparent existing quality management process and development of this simple tool will help with the regional use of ECR. In a similar vein, USACE's Collaboration and Public Participation CoP, in coordination with Public Affairs is revising the QMS process for Communication planning to include broader public involvement guidance, and has drafted new Communication and Public Engagement Principles for USACE. These efforts are in process and should be available in 2013.

#### Federal Support Toolbox for IWRM

In FY12 USACE continued efforts associated with the following recommendation in the August 2010 National Report, *Responding to National Water Resources Challenges*: "Gain support for a common data portal that accesses a Federal Support Toolbox of information deemed useful in helping states and water agencies in their water resources planning." The Federal Support Toolbox will advance state-of-the-art collaborative problem solving and likewise build capacity for ECR.

#### Silver Jackets Inter-Agency Program

Across the nation, USACE supports state-led "Silver Jackets" teams that advance collaborative problem solving for flood risk management. Multiple USACE Districts are involved in pilots that advance collaboration through increased data collection, GIS mapping and public communication. Several teams are introducing innovative GIS technology (SimSuite) in a collaborative process to help local governments manage risk of aging levee infrastructure and improve floodplain management overall.

#### ECR Support and Programs

- Conflict Resolution and Public Participation Center

Created in FY09, USACE's Conflict Resolution and Public Participation Center of Expertise (CPCX) has the mission to help Corps staff anticipate, prevent, and manage water conflicts, ensuring that the interests of the public are addressed in Corps decision making ([www.iwr.usace.army.mil/cpc/](http://www.iwr.usace.army.mil/cpc/)). During FY12, the Center provided technical assistance to Districts, Divisions and other stakeholders on collaborative processes, including Shared Vision Planning, facilitation services, training, and courses on public involvement, risk communication and conflict resolution. The Center also produced various references to serve USACE in the areas of Environmental Conflict Resolution and collaborative processes.

By focusing on its five goals of consultation services, capacity building, information exchange, policy support, and research, the Center contributes to both Goal 2 and 4 of the USACE Campaign Plan. CPCX works to "deliver enduring and essential water resource solutions through collaboration with partners and stakeholders" (Objective 2b) and "communicate strategically and transparently" (Objective 4b).

In FY12, CPCX held a USACE-wide Field Review Group meeting that resulted in prioritized work plans for the Center including next steps to continue building USACE collaborative capacity.

- Collaboration and Public Participation Community of Practice

In FY12 the USACE Collaboration & Public Participation Community of Practice expanded its membership to more than 340 members Corps-wide and sponsored multiple webinars. The CoP is directed by a steering committee from across USACE, promotes information through an interactive web portal, webinars, and fosters a network of USACE facilitators from across USACE divisions and business lines.

#### Training and Other Investments in ECR Support

- USACE's Northwest Division used the US Institute for Environmental Conflict Resolution (USIECR) to provide collaboration training to the Missouri River Recovery Program Executive Steering Committee and the NWK/NWO Senior Program Delivery Team members. The 3-day training program was the outcome of concerns by the both the Missouri River Recovery Program team and members of the Missouri River Recovery Implementation Committee (MRRIC) that committee members and Corps personnel were not working in a collaborative manner to effectively address the needs of the committee or of the ESA recovery program. In turn the training was recommended and provided to all MRRIC committee members to ensure they understood what collaboration meant and how to implement a collaborative process. At this time, all new MRRIC committee members must undergo a 1-day collaborative training session prior to seating on the committee. The process has lead to better understanding of the need for collaboration within the program and how to more respectfully address issues facing the committee and the recovery program issues.
- USACE sent 135 individuals to a customized, 2-day training course on the Fundamentals of Facilitation and Conflict Resolution in 2012 to build internal competency in these fields.
- Divisions and Districts are expanding their roster of facilitators via the national USACE-wide "Find a Facilitator" network housed on the Natural Resource Management Gateway website.
- CPCX taught three courses on Public Involvement and Teaming in Planning reaching 62 individuals. A first this year was welcoming Corps stakeholders as fellow students into one of the classes.
- A Risk Communication and Public Involvement class was taught for the first time as part of USACE's formal PROSPECT training program. Additional Risk Communication trainings targeted for public affairs officers, and flood risk managers, with a project management-specific training to be delivered in FY13. Other relevant courses offered as part of the PROSPECT training included Customer Relationship Management, Conflict Management & Dispute Resolution, and Public Involvement – Communication.
- CPCX delivered Shared Vision Planning trainings for international partners through both the Mekong River Commission and the Center for Water in the Humid Tropics of Latin America and the Caribbean.
- Finally, USACE's Collaboration and Public Participation CoP is partnering with USIECR to promote USACE involvement in the Udall Certificate in Environmental Conflict Resolution.

Trainings are marketed across the agency for inclusion in Individual Development Plans and as appropriate, Performance Plans.

## Section 2: Challenges

2. Indicate the extent to which each of the items below present challenges or barriers that your department/agency has encountered in advancing the appropriate and effective use of ECR.

	Extent of challenge/barrier		
	Major	Minor	Not a challenge/barrier
	<b>Check <u>only</u> one</b>		
a) Lack of staff expertise to participate in ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Lack of staff availability to engage in ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Lack of party capacity to engage in ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Limited or no funds for facilitators and mediators	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Lack of travel costs for your own or other federal agency staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Lack of travel costs for non-federal parties	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Reluctance of federal decision makers to support or participate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Reluctance of other federal agencies to participate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Reluctance of other non-federal parties to participate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Contracting barriers/inefficiencies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k) Lack of resources for staff capacity building	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l) Lack of personnel incentives	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m) Lack of budget incentives	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
n) Lack of access to qualified mediators and facilitators	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o) Perception of time and resource intensive nature of ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
p) Uncertainty about whether to engage in ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
q) Uncertainty about the net benefits of ECR	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
r) Other(s) (please specify): Army and USACE travel and meeting policy restrictions have resulted in the use of in-house expertise.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
s) No barriers (please explain): _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Section 3: ECR Use

3. Describe the level of ECR use within your department/agency in FY 2012 by completing the table below. [Please refer to the definition of ECR from the OMB-CEQ memo as presented on page one of this template. An ECR “case or project” is an instance of neutral third party involvement to assist parties in reaching agreement or resolving a dispute for a particular matter. In order not to double count processes, please select one category per case for decision making forums and for ECR applications.]

	Cases or projects in progress <sup>1</sup>	Completed Cases or projects <sup>2</sup>	Total FY 2012 ECR Cases <sup>3</sup>	Decision making forum that was addressing the issues when ECR was initiated:					Of the total FY 2012 ECR cases indicate how many your agency/department		
				Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)	Sponsored <sup>4</sup>	Participated in but did not sponsor <sup>5</sup>		
<i>Context for ECR Applications:</i>											
Policy development	_____	_____	_____	_____	_____	_____	_____		_____	_____	
Planning	1	4	5	5	_____	_____	_____		1	4	
Siting and construction	_____	1	1	1	_____	_____	_____		_____	1	
Rulemaking	_____	_____	_____	_____	_____	_____	_____		_____	_____	
License and permit issuance	1	_____	1	_____	_____	_____	1	Inter-agency Forum	_____	1	
Compliance and enforcement action	_____	1	1	1	_____	_____	_____		_____	1	
Implementation/monitoring agreements	_____	_____	_____	_____	_____	_____	_____		_____	_____	
Other: Columbia River Treaty, Missouri River Recovery Program, Columbia River Fish Mitigation, Missouri River Flood Task Force	3	_____	3	1	_____	1	2	Int' Treaty; stakeholder forums	4	_____	
<b>TOTAL</b>	<b>5</b>	<b>7</b>	<b>12</b>	<b>8</b>	_____	<b>1</b>	<b>3</b>		<b>5</b>	<b>7</b>	
	<b>= Total FY12 ECR Cases)</b>			<b>= equal Total FY 2012 ECR Cases)</b>						<b>= Total FY 2012 ECR Cases)</b>	

<sup>1</sup> A “case in progress” is an ECR case in which neutral third party involvement began prior to or during FY 2012 and did not end during FY 2012.

<sup>2</sup> A “completed case” means that neutral third party involvement in a particular matter ended during FY 2012. 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.

<sup>3</sup> “Cases in progress” and “completed cases” add up to “Total FY2012 ECR Cases”.

<sup>4</sup> Sponsored - to be a sponsor of an ECR 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 ECR case.

<sup>5</sup> Participated, but did not sponsor - an agency did not provide resources for the neutral third party's services for a given ECR case, but was either a party to the case or participated in some other significant way (e.g., as a technical expert advising the parties).



4. Is your department/agency using ECR in any of the substantive priority areas you listed in your prior year ECR Reports? Indicate if use has increased in these areas since they were first identified in your ECR report. Please also list any additional priority areas identified by your department/agency during FY 2012, and indicate if ECR is being used in any of these areas. Note: An overview of substantive program areas identified by departments/agencies in FY 2011 can be found in the FY 2011 synthesis report.

List of priority areas identified in your department/agency prior year ECR Reports	Check if using ECR	Check if use has increased in these areas
Navigation	✓	<input type="checkbox"/>
Flood Risk Management	✓	<input type="checkbox"/>
Hydropower	✓	<input type="checkbox"/>
Water Supply	✓	<input type="checkbox"/>
Recreation	✓	<input type="checkbox"/>
Emergency Management	✓	<input type="checkbox"/>
Ecosystem Restoration	✓	<input type="checkbox"/>
Regulatory	✓	<input type="checkbox"/>
List of additional priority areas identified by your department/agency in FY 2012	Check if using ECR	
_____	<input type="checkbox"/>	
_____	<input type="checkbox"/>	
_____	<input type="checkbox"/>	
_____	<input type="checkbox"/>	

Please use an additional sheet if needed.

5. It is important to develop ways to demonstrate that ECR is effective and in order for ECR to propagate through the government, we need to be able to point to concrete benefits; consequently, we ask what other methods and measures are you developing in your department/agency to track the use and outcomes (performance and cost savings) of ECR as directed in Section 4 (b) of the ECR memo, which states: *Given possible savings in improved outcomes and reduced costs of administrative appeals and litigation, agency leadership should recognize and support needed upfront investments in collaborative processes and conflict resolution and demonstrate those savings and in performance and accountability measures to maintain a budget neutral environment* and Section 4 (g) which states: *Federal agencies should report at least every year to the Director of OMB and the Chairman of CEQ on their progress in the use of ECR and other collaborative problem solving approaches and on their progress in tracking cost savings and performance outcomes. Agencies are encouraged to work toward systematic collection of relevant information that can be useful in on-going information exchange across departments?* [You are encouraged to attach examples or additional data]

Although formal evaluations of ECR processes, beyond this survey, have been limited to date, many Divisions identified numerous benefits to using collaboration and ECR processes. As of 1<sup>st</sup> quarter FY13, however, the CPCX is an administrator for the USIECR's survey tools for conflict assessment, mediation, facilitation, training and meeting facilitation efforts, and will encourage the field to administer these tools and serve as a data repository. This Annual ECR Survey can help identify projects for evaluation with these survey tools.

Formal evaluation of ECR and related collaborative efforts during FY12 include:

- USACE's Engineer Research and Development Center (ERDC) typically administers written evaluations at their gatherings to provide feedback to meeting organizers.
- USACE's Great Lakes and Ohio River Division is a participating member of the Tennessee Environmental Streamlining Agreement, which is intended to facilitate *systematic collection of relevant information* to programmatically support efficient formulation and evaluation of viable options that balance needs across government agencies in advance of decision-making on individual projects. The Division is also implementing and tracking numerous actions and regional initiatives to assure collaborative problem solving approaches that should prevent the need for ECR.
- Each Division and District annually administers an OMB-approved "Customer Satisfaction Survey", part of which is used to track the success in meeting agency objectives on collaboration. While results are difficult to generalize or to develop actionable responses, Tulsa District reports survey results of increased benefits of effective collaboration since 2009.

In addition, although not measured formally, several Divisions have observed reduced conflict and cost associated with the use of ECR, collaboration, and coordination.

- Based on staff experience, USACE's Pacific Ocean Division has observed reduced schedule delays and improved responsiveness from Federal resource

agencies since instituting regular programmatic meetings with the Federal resource agencies.

- Similarly, USACE's South Atlantic Division found that environmental conflicts were minimized, avoided, prevented or resolved through proactive, positive relationship building and collaborative processes, and felt that the use of collaborative approaches ultimately leads to significant cost and time savings.
- Since 1995, USACE's Galveston District has used Interagency Coordination Teams (ICT) on all major studies where an EIS will be prepared (see Question #6). Since the routine use of ICTs, Galveston District has not been sued over our NEPA coordination and documents, and has not faced protracted time delays in obtaining regulatory approval of projects. Time and cost savings have not been quantified.

6. Describe other significant efforts your agency has taken in FY 2012 to anticipate, prevent, better manage, or resolve environmental issues and conflicts that do not fit within the Policy Memo's definition of ECR as presented on the first page of this template.

#### **Coordination Processes**

USACE has actively participated on the Western States Federal Agency Support Team (WestFAST) since its beginnings in 2008. WestFAST was established to support the Western States Water Council (WSWC) and the Western Governors' Association in coordinating Federal efforts regarding water resources and in reducing the risk of future water conflicts. Currently, a USACE staff member serves as WestFAST Federal Liaison, working with 12 Federal agencies with water management responsibilities in the West and the WSWC on a day-to-day basis. Current priorities of WestFAST include:

- Better enabling the exchange of federal and state water data
- Developing "Principles of Collaboration" that can be shared among the WestFAST agencies on how to better engage the states
- Facilitating coordination between various federal programs being implemented within the Colorado River Basin.

USACE and Kansas are applying the WestFAST-WSWC collaborative approach at the state level with a 2011 pilot program to embed USACE employees within the Kansas Water Office. The success of the pilot has led to development of an MOU that will be signed in FY 2013 by the state and USACE.

Through its Mississippi Valley Division, USACE continues active participation in the Mid-West Natural Resources Group, a consortium of 14 Federal agencies in the upper Mississippi River watershed whose main purpose is collaboration, communication and identification of opportunities to leverage resources and programs. The Mississippi Valley Division is also active in the EPA-led Hypoxia Task Force, a group of Federal agencies and Mississippi River Watershed states working in a collaborative manner to address nutrient loading in basin water and ultimately reduce the size of the Gulf of Mexico hypoxic zone.

Following USACE-sponsored Mississippi River watershed visioning sessions in 2010, USACE now serves on the Steering Committee of the recently-launched America's Great Watershed Initiative (AGWI). AGWI is a collaboration of agency, tribal and non-governmental participants focused on addressing Mississippi River watershed concerns by integrating issues, partners and ideas at the full watershed scale. In anticipation of the cascading effects on local ports and waterways that are associated with the global transition to post-Panamax vessels, USACE is developing procedures to keep businesses on the McClellan-Kerr Arkansas River Navigation System informed of AGWI activities.

In the Great Lakes, USACE has worked through the Asian Carp Regional Coordinating Committee to solicit contributions of information and expertise from a large array of state, Federal and local government and non-governmental organizations. A wide array of organizations have contributed relevant information and specialized expertise that have been applied to address a tremendously large and complex biological risk assessment and to develop of viable, balanced options to prevent inter-basin spread of aquatic nuisance species. The level of contributions and

cooperation between government organizations has been especially remarkable because they are opposing parties in an active lawsuit.

USACE's North Atlantic Division actively participates in regional partnership organizations such as the Mid-Atlantic Council for the Ocean, the Mid-Atlantic Federal Partners for the Ocean, and the Northeast Council for the Ocean and Coastal America. These represent significant collaboration and partnering that minimized environmental conflicts. The Division also serves as the federal representative in three northeastern River Basin Commissions – the Delaware, Susquehanna and Potomac. In this capacity USACE coordinates on water resource issues in these basins across federal agencies and with riparian states. Similarly, the New England District signed a Statement of Common Purpose among federal agencies in New England.

USACE's Baltimore District is an active participant in the Anacostia Watershed Restoration Partnership – Steering Committee, Management Committee and the Maryland Dredged Material Management Executive and Management Committees and Harbor Team; and is implementing a Memorandum of Agreement with the Maryland Port Administration on the Cox Creek Dredged Material Containment Facility.

As part of the New York and New Jersey Harbor Deepening Senior Partnership, USACE holds quarterly meetings between the interagency partners and non-governmental stakeholders that address and balance environmental and economic development issues allowing the project to move forward on schedule and within budget.

USACE is an active participant in interagency efforts to manage environmental conflict and to collaborate on sustainable solutions in California's Sacramento-San Joaquin Bay Delta. USACE participates in the Federal Leadership Committee that was established under the 6-agency California Bay-Delta Memorandum of Understanding (MOU), and that recently developed an Interim Federal Action Plan. Currently, the Council on Environmental Quality hosts periodic teleconferences with federal agency representatives from Washington, D.C. and within the Bay-Delta region. Beyond this formal federal interagency effort, USACE participates in many levels of the Bay Delta Conservation Plan (BDCP) process where governmental and non-governmental parties work to manage water flow and habitat restoration actions for the recovery of endangered and sensitive species and their habitats in the Sacramento-San Joaquin River Delta. The Corps is a Liaison Advisor to the Delta Conservancy Board, participates on the Federal Interagency Task Team of the Delta Stewardship Council, participated in the Interagency Ecological Program to advance applied science in the Delta, and works with the Interagency Flood Management Collaborative. The Corps also leads cooperative efforts to coordinate, plan, and implement beneficial reuse of sediment in both the delta and San Francisco Bay through the Delta and San Francisco Bay Long Term Management Strategy processes.

USACE is a member of the California Coastal Sediment Management Workgroup, a state-federal partnership for on-going, multi-agency interaction on statewide coastal sediment management and environmental-related issues. The CSMW provides an avenue for member agencies and other interested stakeholders to provide recommendations and requests for resolving coastal sediment management and

related environmental issues that arise as a result of the sediment imbalances. Demonstrative CSMW activities that pertain to Environmental Conflict Resolution include: Monthly CSMW meetings on new and ongoing coastal sediment issues efforts; Coordination to develop new guidance and definitions for beneficial re-use of sediment in coastal California; work with the West Coast Governors Agreement to determine if a dedicated West Coast dredge is politically, environmentally, and economically justified; and interagency discussions on potential expansion of the Monterey Bay National Marine Sanctuary.

The California Coastal Sediment Master Plan (SMP) has implemented Regional Sediment Management Plans (RSMPs) to help local coastal managers make science-based decisions in resolving issues and disputes arising from regional coastal erosion-related impacts and needs.

USACE's Anchorage District participated in the interagency Arctic Ports Roundtable to exchange ideas on the needs and concerns for arctic marine improvements and in particular the potential development of ports.

USACE's New England District collaborates with stakeholders on dredged material disposal through the Disposal Area Monitoring System and the Regional Dredging Team.

The Regional Air Team is an ongoing collaboration among USACE's New York District, EPA, New Jersey and New York State on Clean Air Act compliance requirements that continues to resolve conflicts that could delay or suspend construction within the District's navigation program.

Corps Districts use interagency teams to plan and implement environmental restoration. These teams consist of Federal, state and local government representatives that have a common interest in environmental restoration. Examples include the Mobile Bay Beneficial Use Group that works with the Port of Mobile to beneficially use dredged sediments from the bay, and an Executive Steering Committee in the Savannah Harbor Expansion Project that identifies resource agency concerns and resolve environmental issues. USACE's Philadelphia District reports organizing quarterly meetings of resource agency team members in the development of a Regional Sediment Management plan.

The use of Interagency Coordination Teams in USACE's Galveston District (see Question 5) is another coastal example of non 3rd-party conflict resolution. Since 1995, USACE's Galveston District has used Interagency Coordination Teams (ICT) on all major studies where an EIS will be prepared and most recently, for a major reach of the Gulf Intracoastal Waterway where resource agencies have expressed concern about resource impacts resulting from routine operations and maintenance. Each ICT is chartered with all state and Federal resource agencies invited to participate. The ICT is directly involved in development and analysis of project alternatives and identification of sensitive or significant resources that must be addressed, in project implementation, and in project operations and maintenance. The team attempts to reach decisions by consensus; if votes are necessary (and they are rare because of the commitment of the ICTs to consensus decision-making), each agency including the Corps and Sponsor has one vote. This means that occasionally, the Corps "loses".

Examples of USACE leadership of interagency teams around the Great Lakes include: an effort to define baseline risks associated with the interbasin spread of aquatic nuisance species (ANS) through the Chicago Sanitary and Ship Canal and the interconnected Chicago Area Waterways; six statewide interagency teams to complete an evaluation of potential aquatic pathways between the Great Lakes and Mississippi River basins; and an interagency team evaluating the likelihood of interbasin spread of ANS across the Eagle Marsh in Fort Wayne and developing viable prevention options. USACE-led teams have received positive feedback from a host of interested stakeholders for the straight-forward manner they have collaborated with interested parties to develop viable solutions to complicated problems.

USACE's New York District is working with other Federal, State, local agencies and environmental organizations to implement marsh island restoration in Jamaica Bay, New York and is pursuing other potential environmental restoration sites within the NY/NJ Harbor Region.

USACE's San Francisco District hosts the Dredged Material Management Office (DMMO), an interagency group that determines the suitability of dredged material to be disposed (or placed) for all navigational dredge projects in the San Francisco Bay area and is responsible for making permit decisions for non-USACE navigational dredge projects in the area. The DMMO has been nationally recognized as a model for interagency/project proponent coordination and cooperation.

USACE's Northwest Division's Anadromous Fish Evaluation Program use multiple coordination mechanisms to review technical information to assist USACE in making informed engineering, design, and operational decisions for the eight mainstem Columbia and Snake River projects and provide safe, efficient passage through the mainstem migration. Mechanisms include a multi-agency Fish Facility Design Review Work Group, a Study Review Work Group, an interagency Technical Management Team, the System Configuration Team, Pacific lamprey protection team. Additionally, USACE engages Cultural Resources Cooperating Groups for Historical Preservation compliance.

USACE's New York District and its local sponsor, The Port Authority of New York & New Jersey, continue to work with other federal state and local government organizations and non-profit groups on comprehensive restoration and waterfront planning to improve the Hudson-Raritan Estuary, using the Hudson-Raritan Estuary Comprehensive Restoration Plan. To enhance collaborative planning, USACE makes dozens of public presentations, television appearances and organizes public outreach events such as regional meetings and Congressional briefings.

Multiple USACE Districts had an active role in working with water resource leaders from Texas, Oklahoma and Kansas to advance state water planning and reduce the risk of future conflicts during the third annual Regional State Water Planning Summit in February. Actions identified focused on federal-state collaboration, aging infrastructure, and USACE's regulatory process.

USACE's Mississippi Valley Division recognized many positive benefits during their Mississippi River Gulf Outlet study (MRGO) after special efforts were made to collaborate with stakeholders throughout the controversial, complex and high-visibility

project.

- USACE made include "office visits" with key stakeholders (some of whom were in legal proceedings against USACE) prior to the formal start of the study. Introducing the study authority and planning approach in one-on-one meetings resulted in stakeholder leaders willingly participating in a USACE-produced study introduction video and created significant public buy-in.
- For MRGO, USACE developed an interactive study-specific web page (MRGO.Gov) with up-to-date information, an interactive GIS mapping tool to display data and alternatives, a document library, study presentations, videos, draft reports, and comment hot button. The site received over half a million visitors during the course of the study.
- USACE developed a mantra to "go anywhere, anytime" to meet with stakeholder groups. Over four years USACE met over 250 times with the public, sponsors, commissions and other groups to provide study information and updates. While many times individuals or groups did not agree with study decisions they were generally appreciative of our efforts to reach out about the progress of the study.
- Through technical discussions and mapping, USACE was able to build a common understanding of environmental history and technical facts surrounding MRGO and overcome some of the trust vacuums from the long-standing disputes and widely-held perceptions about USACE. As an example, the complex and highly modified landscape of the study area presented challenges in determining direct and indirect impacts of MRGO. Developing a common understanding of the habitats affected helped focus the need for restoration alternatives across the large area, and resulted in consideration of additional categories of impacts and benefits.
- By clearly dissecting the language and analyzing individual elements within the law that authorized the study, USACE was able to better explain the study to stakeholders. Developing this common understanding of the study authority avoided major disagreements about the study scope and direction.
- USACE used various interactive workshops with the public, researchers and sponsors to develop information about scientific and social issues. For MRGO workshop topics included recreation, ridge restoration and the Central Wetlands. For example working meetings with neighborhood groups and landscape architects helped craft draft plans for recreation features and aided in the production of images used in the study report.

Across its Divisions and Districts, USACE works closely with other federal agencies to implement regional Biological Opinions such as the Gulf Regional Biological Opinion and the South Atlantic Regional Biological Opinion (SARBO). Inter-agency coordination and collaboration under the SARBO includes a Memorandum of Agreement between the USACE, NMFS, US Coast Guard and US Navy for implementation of Right Whale Early Warning System aerial surveys to minimize vessel collisions with the endangered North Atlantic Right Whale during whale calving season.

USACE Districts participate in multiple nationwide and regional Memoranda of Agreements with various resource agencies where issues are identified early on, and dealt with through pre-existing relationships and understandings prior to conflict development. An example is USACE's Nashville District's participation in the 2011 Memorandum of Understanding with other federal agencies, USACE Districts, and



non-governmental organizations on the Tennessee Strategic Mollusk Plan. Nashville District also coordinates operations & maintenance activities with US Fish and Wildlife Service and state agencies based on commitments made with an Endangered Species Act consultation. Formal coordination processes reported by USACE's South Pacific Division include a Regional Memorandum of Understanding with The Nature Conservancy, the California Coastal Sediment Master Plan process, and Middle Rio Grande Endangered Species Collaborative Program.

Through re-initiation of consultation under Section 7 of the Endangered Species Act, USACE and Southwestern Power Administration are working with the USFWS, navigation interests, and other stakeholders on mitigating impacts and reducing the risk of future environmental conflicts associated with the Interior Least Tern and the Arkansas River Basin system operation of reservoirs. Islands constructed in reaches along the navigation system have successfully reduced the risk of reservoir operation impacts to Terns during nesting season. Efforts are underway to determine if additional islands along the navigation system could potentially provide more sustainable nesting Tern habitat. Various metrics (i.e. number of birds, acres of habitat, etc.) are being developed to help measure progress.

On the Cumberland River, USACE's Nashville District conducts Endangered Species Act consultation for dam operations where a key issue is the negative effect of cold water releases from an upstream dam on a degraded population of listed mussels. Based on input from various agencies, USACE is seeking a solution that balances impacts to trout in existing cold-water reaches while warming the downstream reach to sustain the native mussel population. Ultimately, any operational changes resulting from this consultation would undergo NEPA review.

USACE's Philadelphia District initiates early kick-off coordination processes with resource and state agencies, nonfederal partners and local sponsors for planning and operations and maintenance projects; and has initiated Endangered Species coordination and developed a Biological Assessment for the National Marine Fisheries Service prior to the official listing of the Atlantic sturgeon.

USACE's Little Rock District coordinates with multiple state and county governments in Arkansas and Missouri for the implementation of White River Minimum Flow. Extensive collaboration resulted in formal agreements between the state and USACE for the capture of additional reservoir storage for downstream releases and for modification of lakeside facilities.

USACE's Jacksonville and Mobile Districts collaborate with the U.S. Fish and Wildlife Service (FWS) on implementation of the Florida Statewide Programmatic Biological Opinion for beach placement and shore protection. Jacksonville District is currently executing a Cooperative Agreement with FWS under the Marine Mammal Protection Act for Florida manatee conservation and recovery.

### **Business Processes and Culture**

Across the nation, USACE's efforts to develop local, state, regional and national multi-organization teams are reducing the risk and magnitude of future environmental conflicts by promoting collaborative planning to anticipate problems and identify

alternative solutions.

The Corps implements the NEPA process for programs, projects and Regulatory actions that have the potential to affect the quality of the human environment. The Corps involves the public and resource agencies in the NEPA process and actively encourages public and resource agency participation. If a Corps action has the potential to significantly affect the quality of the human environment, then an EIS is prepared and the Corps holds public scoping meeting(s) and actively encourages public involvement. For example, Savannah District's Regulatory Division conducted three public scoping meetings for the Glades Reservoir EIS and conducted two workshops to provide program updates to consultants.

USACE's South Pacific Division funds a Regional Watershed Planner to assist Districts with implementing the concepts of Integrated Water Resources Management (IWRM). Watershed planning facilitates the collaborative evaluation of a more complete range of potential solutions and is more likely to identify the most technically sound, environmentally sustainable, and economically efficient means to achieve multiple goals in the entire watershed over the long term, i.e., integrated water resources management. The Division also dedicates one position to promote integration and coordination within the Bay-Delta watershed.

USACE invites early, continuous, and open dialogue with state and Federal agencies and stakeholders. Corps staff meet frequently with the public and resource agencies during the planning process and through construction, implementation and operation phases of Civil Works projects to help ensure that environmental issues are resolved and conflict is avoided. USACE regularly holds public meetings and workshops as part of the normal scoping process for projects or obtaining public opinion on a way forward. Examples include:

- The ongoing work for the 100-year flood protection around New Orleans or the flood reduction studies at Fargo-Moorhead. The Fargo-Moorhead project along the border of Minnesota and the Dakotas involved extensive public input and collaboration to arrive at a selected alternative.
- For the Upper Ohio study there was much coordination and collaboration with the Interagency Working group over fish passage and mitigation items.
- For the Little River and Millwood Lake watersheds (Arkansas), USACE is working with state and local governments to develop a watershed management plan to alleviate sedimentation problems.
- In Jacksonville District, to benefit Everglades Restoration, USACE actively builds positive working relationships with the Everglades Coalition, a consortium of 50 local, state, and national environmental organizations.
- Of note is the work by USACE's Huntington (WV) District to design and implement a public, resource agency, and stakeholder involvement plan for the Zoar Dam Safety Modification Project, in which a primary factor in project decision-making relies on the team having an in-depth understanding the Historic Value of the Village of Zoar (OH). The plan includes: (1) establishing Community Advisory Committee made up of community leaders and advocates who meet monthly as a *de-facto* Project Cooperation Team; (2) engaging in extensive and regular stakeholder engagement thru the Section 106 of the National Historic Preservation consulting party process, which allows stakeholders to influence development of project schedule and milestones; (3) proactive media engagements to ensure the public is kept informed of the

status process, status and need for involvement; and (4) Holding regular milestone public meetings to engage and seek feedback on all data collected for the study, measures and alternatives.

- USACE's Los Angeles District implemented regular discussions with federal and state partners to resolve large-scale, programmatic issues such as differing interpretations of implementing regulations, permitting timeframes, and coordination processes. These meetings have helped build better relationships, improved communication and understanding, and paid dividends by expediting issue resolution and permitting.
- Savannah District staff participated in annual meetings of the Lake Hartwell Homeowners Association to update the community on the project status and future actions, and to solicit community suggestions.

USACE staff also participate as students and instructors in training courses offered by other Federal agencies. Such interagency interaction provides opportunities to better understand how each agency manages and applies its responsibilities and roles for implementing its laws, guidance and builds relationships within regions.

### **Communication Tools**

USACE Districts and its partners use USACE and non-federal-sponsor web sites to share program and project information, and to gather comments during public comment periods with stakeholders and the public. Some websites provide the public with interactive opportunities with Q&A fora for specific projects. Examples include the Comprehensive Everglades Restoration Plan website, [www.evergladesplan.org](http://www.evergladesplan.org). USACE produces brochures on all major program areas and activities and has active speakers' bureaus. USACE continues to use, as appropriate, social media including Face Book and Twitter. Communication tools include videos produced to highlight alternatives under consideration and posted on Study Facebook pages, websites, shared on YouTube, and distributed via Defense Video and Imagery Distribution System.

Within a project-specific Facebook page, USACE's Buffalo District created a 'Watershed Wednesday' concept that has changed the perception of the agency. Weekly posts on 'Watershed Wednesday' have created regular followers and dialogue among followers and USACE. Whereas before USACE was viewed as an agency proceeding through a study process who occasionally hosts public information meetings, USACE is now seen as an agency reaching out, communicating, collaborating, and providing educational information about the entire study area. With a captivated audience, 'Watershed Wednesdays' is now a tool to develop relationships and manage communication, and has become a mechanism for the District to express to the community that USACE wants to share more than just study updates.

USACE Divisions, Districts and projects also develop, update, and follow Communication Plans that contain information for collaboration and communication, related to project and programs, as well as media inquiries. Communication Plans outline material and means to share ongoing work and processes with public, agencies, and stakeholders. Deliberate development and implementation of communication plans reduce risks and conflict. The outreach program for Buffalo

District's Formerly Utilized Sites Remedial Action Program actively engages potentially affected local communities on a regular basis through electronic updates to the community, regular community information sessions, a dedicated and updated webpage, and proactive web-forum called "Beyond the Headlines" to correct misinformation in the media.

A recently-established USACE Collaboration and Public Participation Community of Practice allows sharing of information across Districts and Divisions. This invites dialogue of lessons learned helps USACE staff gain knowledge, insight, techniques and tools for better collaboration and to avoid the need for conflict resolution. This community, as well as others within the USACE, sponsor webinars to exchange information about best practices in collaboration. As USACE seeks to reduce travel expenditures, webinars are also frequently used to facilitate two-way information exchange with partners and with the public for on-going studies and activities.

### **Scientific/Technical Consensus Building Tools**

Developed and promoted by USACE, Shared Vision Planning is a collaborative approach to water management decision-making that combines three disparate practices: 1) traditional water resources planning, 2) structured public participation and 3) collaborative computer modeling. Divisions view Shared Vision Planning as integral for the success of USACE's SMART Planning transformation.

- USACE led development of a special issue of the Journal of the American Water Resources that is devoted to Shared Vision Planning and other collaborative modeling experiences.
- USACE is providing technical assistance to the state of California to use the Shared Vision Planning method to better engage stakeholders in the technical analysis for its semi-decadal water plan.
- USACE's Responses to Climate Change (RCC) program is identifying practical collaborative approaches to the application of climate science through pilot studies such as the Oologah Lake Watershed Assessment Study. During the study USACE worked with stakeholders to model existing condition and future alternative land use practices in the Oologah Lake watershed (Oklahoma and Kansas). The "shared vision-type" model is helping those stakeholders develop a common understanding of issues and identify potential next steps to improve water quality and associated aquatic ecosystems. The USACE RCC pilot study builds on the Oologah Lake Watershed Assessment Study by leveraging technical expertise from regional federal climate science programs to and assessing impacts from potential future climate change scenarios.

By cooperating extensively with a broad group of governmental and non-governmental partners during a bird disease episode during construction of the Poplar Island Environmental Restoration Project in Maryland, USACE helped minimize the risk and exposure to the environment, local citizens, and workers.

After the Great Mississippi Flood of 2011, USACE used an interagency team of Federal and state agencies and NGOs to develop the Mississippi River and Tributaries Post-Flood Report which included potential actions to improve future system performance including interagency communication and collaboration.

To promote technical consensus-building USACE hosted several functions on Asian Carp and invasive species including a July forum on aquatic invasives in the Upper Ohio River valley. Requesting and receiving information and relevant expertise from multiple state, federal, and non-governmental agencies has typified the USACE approach to the Great Lakes and Mississippi River Inter-basin Study. Such collaborative technical analysis, review, and modeling has not only contributed to consensus building, but has greatly facilitated a more rapid and efficient application of resources across all agencies. Similar technical collaboration with non-USACE technical experts is common throughout USACE on issues such as threatened and endangered species, sediment issues, or timing of projects. USACE also serves as a technical information provider to other agencies' programs such FEMA's RiskMap activities that provide tools to flood prone communities in order to enhance their mitigation plans and take action to better protect their citizens.

To foster scientific and technical input to the rule-making process and achieve consensus among the Federal family on issues surrounding the development of natural gas resources in Marcellus shale strata, USACE's North Atlantic Division led an Interagency Federal Group for the Delaware River Basin. These collaborations strengthened the draft regulations to protect natural and cultural resources consistent with Federal responsibilities and jurisdictions.

To address technical uncertainties in the Chesapeake Bay Oyster Restoration project, USACE's Norfolk District has initiated several coordinated efforts with the state sponsor called "Common Ground Items". Efforts include oyster modeling, a fossil shell survey, additional monitoring on USACE-constructed, and a independent review plan for future oyster decision documents to ensure rigorous scientific review of any proposed future plans.

USACE's Tulsa District reports investigating the use of various technical tools in a collaborative manner to explore technical issues before they spur potential conflict. Tools under consideration for use in collaborative technical problem solving include: the reservoir management simulation software called RiverWare; the Comprehensive Aquatic Ecosystems Model to assess aquatic ecosystem impacts; IWR-PLAN to identify cost effective ecosystem restoration plans; Impact Analysis for Planning to determine regional economic benefits; the Habitat Evaluation Procedure to assess terrestrial and riparian habitat and possible impacts from different alternatives; the Soil and Water Assessment Tool to predict the effect of management decisions on water, sediment, nutrients, etc.; the Environmental Policy Integrated Climate Model with Agricultural Policy Extender to assess the effects of soil erosion on productivity and water quality across a wide array of management practices, cropping systems and other land use across a broad range of agricultural landscapes; an application of General Algebraic Model System to determine maximum net agricultural benefits and costs associated with agricultural use of waters from a study area and their impacts, and Recreational Economic Assessment System to model how a USACE project would affect the local economy.

## Section 4: Demonstration of ECR Use and Value

- 7 Briefly describe your *departments'/agency's most notable achievements* or advances in using ECR in this past year.

This year's notable achievements in ECR range from private third party engagement to USACE itself serving as a third party neutral. Some USACE Divisions reported no use of ECR this year, either because they were not the lead federal agency (and therefore not responsible for pursuing or leading the federal conflict resolution activities), or because their projects simply did not warrant the involvement of a neutral third party (South Pacific, South Atlantic, Mississippi Valley and Pacific Ocean Divisions). These Divisions site as their notable achievements more consistent and early coordination across projects on identification and consideration of environmental issues; and improved capacity, awareness, and collaboration with the District staff, federal resource agencies, and key stakeholders to avoid or minimize environmental conflict.

In addition to the case highlighted in question 8, below is a list of this year's notable ECR achievements as reported from across USACE:

**Iowa & Cedar Rivers Basin Watershed Climate Change Pilot** – With support from USACE's Responses to Climate Change pilot program, the Rock Island District and its Interagency Coordination Team used 3<sup>rd</sup> party expertise from USACE's Conflict Resolution and Public Participation Center to design and facilitate a series of stakeholder engagement sessions. The purpose of the sessions was to support dialogue on watershed planning for the Indian Creek watershed, a tributary to the Cedar River, informed by climate and other technical information developed by the team and partners. The facilitator contributed expertise in conducting a stakeholder assessment, designing sessions appropriate to the participants, and using climate and other technical information appropriately in workshop settings. The effort increased stakeholder understanding of potential climate impacts and other technical and institutional issues in the basin and improved relationships.

**Great Lakes and Mississippi River Basin Interbasin Study Stakeholder Assessment** - At the request of USACE Chicago District's Great Lakes and Mississippi River Interbasin Study participants, USACE's Conflict Resolution and Public Participation Center (CPCX) reviewed the stakeholder engagement in the study and made recommendations for future stakeholder involvement activities. CPCX spoke with dozens of study stakeholders to generate ideas for future ways to involve stakeholders. While many stakeholders were very complimentary of the study team's outreach efforts, the stakeholder engagement review identified additional ideas on stakeholder engagement for the team to focus on during the study's next phase.

**Interior Least Tern Workshop** - The USACE Engineer Research and Development Center facilitated a national workshop on the federally endangered interior population of the Least Tern (ILT). The main objectives of this workshop were to assemble an interdisciplinary group of ILT experts that could (a) review the conservation status of ILT; b) identify knowledge gaps for understanding factors that limit long-term population persistence, and (c) identify key research and monitoring needs that provide the science to support persistence. Presenting objective, state of the science

results concerning this species followed by facilitated group discussions helped ensure the conveyance of accurate information and allowed disparate viewpoints to be expressed. The workshop was a critical step in gaining internal and external support for development of a metapopulation model and moving the FWS closer to making a status determination in the next year or two with the best available science.

**Navy Apra Harbor Coral Reef Workshop** - A facilitated interagency workshop was held to discuss potential impacts to coral reefs resulting from proposed dredging operations in Apra Harbor, Guam. This is a very contentious and highly controversial topic, and the atmosphere of some previous meetings had been tense with an attitude of mistrust. Having a facilitator that ensured that everyone's viewpoints were listed to, while keeping focused on workshop topics improved the working environment of the workshop and contributed to its success. As a result, interagency cooperation and trust with respect to this project has improved.

**Tennessee Environmental Streamlining Agreement** - USACE's Nashville District became a signatory to the Tennessee Environmental Streamlining Agreement (TESA) which is a programmatic inter-agency effort lead by the Federal Highway Administration and Tennessee Department of Transportation. The purpose of TESA is to streamline/coordinate environmental reviews of federally-funded transportation projects to make reviews more efficient and timely without diminishing environmental protections. Nashville District participated in third party conflict resolution associated with USACE regulatory permitting on one TESA highway project in FY12, "Corridor K".

For the Corridor K project (U.S. Highway 64), the ECR process resulted in an additional alternative being reconsidered based on revised Purpose and Need for the project. Under the original Purpose and Need statement, this alternative would not have been carried forward since it did not meet original project requirements (i.e. minimum design speeds). Under the modified Purpose and Need, an "Improve the Existing Road" alternative is being considered in more detail to fully-develop its maximum potential. This alternative appears to be more easily permitted by various agencies, including USACE, than the other alternatives under consideration. The intent of the TESA agreement was to avoid detailed evaluation of an alternative that would have major issues being permitted at a later stage. The ECR process appears to be leading to a mutually acceptable solution to a complex and potentially contentious problem.

**Tulsa District Water Rights** – The tribal program at USACE's Tulsa District had an opportunity to promote ECR in regards to tribal water rights issues. In June of 2010 the Oklahoma Water Resources Board (OWRB) voted to sell water from a USACE lake to Oklahoma City. The city is currently working with OWRB to obtain water rights for storage in Sardis Lake. Both the Chickasaw and the Choctaw Nations of Oklahoma have asserted their claim to water rights. All parties have stated that they prefer negotiation to litigation. In FY12 Tulsa District was invited to participate in the conflict resolution process as a 3<sup>rd</sup> party neutral technical expert. A milestone activity, scheduled in early FY 2013, will be to provide a presentation to OWRB and the Nations on how the RiverWare model is used by the Tulsa District in reservoir management. The primary role of the Tulsa District at this time is to contribute to the conflict resolution process as a 3<sup>rd</sup> party neutral technical expert. Outcomes will be reported in the 2013 ECR Report.

**Missouri River Flood Task Force** - The Missouri River Flood Task Force provided a temporary forum for communication, coordination, collaboration and cooperation among the federal officials and designated officers of state, local and Tribal governments within the States of Nebraska, Montana, Iowa, South Dakota, North Dakota, Wyoming, Kansas and Missouri. Due to the high tensions surrounding the causes and consequences of the flood, Northwestern Division solicited the help of a task force coordinator (staffed by a member of CPCX) and a facilitation contractor for the 9-month effort. This support team helped initiate the task force and provided logistical and facilitation services to the three co-chairs, eight work groups, and four Task Force meetings. The support team was instrumental in creating a space where all levels of government and impacted parties could tackle the flood recovery effort together.



## 8. ECR Case Example

- a. Using the template below, provide a description of an ECR case (preferably completed in FY 2012). Please limit the length to no more than 2 pages.

### Long Island Sound Dredged Materials Management Plan

Overview of problem/conflict and timeline, including reference to the nature and timing of the third-party assistance, and how the ECR effort was funded

In 2005, US EPA designated two open water disposal sites in Long Island Sound. There was a disagreement between the State of NY and CT on whether the designation of disposal sites was necessary since the states wanted to move toward reducing ocean placement of dredged material. When the sites were designated they included restrictions that required the development of a dredged material management plan (DMMP) to be completed within a certain timeframe or the sites would be closed. The Governors of NY and CT requested that the Corps of Engineers conduct a Long Island Sound -wide DMMP. Because parties had different priorities or goals in dredged material management, in 2010 the New England District requested 3<sup>rd</sup> party expert support from the Engineer Research Development Center (ERDC), a technical lab within USACE, to assist in identifying stakeholder priorities. The goal of this project is to use multi-criteria decision analysis to assist in the creation of a dredged material management plan.

New England District also started convening the Long Island Sound DMMP Working Group, creating a forum where representatives from Federal, state, regional, and local agencies, and various stakeholder organizations can discuss their interests in the management of dredged material in Long Island Sound. USACE funds a moderator for this group, Coastal Vision. For more details visit <http://www.lisdmmmp.org/>.

ERDC began working with stakeholders to build a jointly agreed upon decision model. Through a series of 4 stakeholder meetings and almost 30 interviews conducted in 2012, ERDC is building a decision framework that captures individual stakeholder preferences as well as differences in individual opinions or combined views of groups of stakeholders. In the final phase in 2013, ERDC and New England District will integrate values from stakeholders with different alternative management techniques to prioritize sediment management alternatives.

Summary of how the problem or conflict was addressed using ECR, including details of any innovative approaches to ECR, and how the principles for engagement in ECR were used (See Appendix A of the Policy Memo, attached)

The goal of the project was to identify, evaluate, and recommend dredged material management alternatives through a broad-based public process that protects the environment based on best scientific data and analysis, while meeting society's need for safe and economically viable navigation for water based commerce, transportation, national security, and other public purposes. Stakeholders were recruited from interested governmental and non-governmental organizations from around the Long Island Sound Area. Concerns from each interested stakeholder group was collated and condensed into lists of related topics. Multi Criteria Decision Analysis was performed based on stakeholder responses to ERDC's solicitation of environmental values. There was a balanced and voluntary representation from the community and other stakeholders involved in the project. By using transparent multi-

criteria decision analysis, the engagement was a fully informed process.

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 ECR

The greatest success of the Long Island Sound Project has been in bringing together the various groups for discussions and understanding of others' concerns. This gives decision makers the opportunity to understand how the community and stakeholders are impacted by potential decisions. Decision makers can make the most robust and defensible decision based on stakeholder values, as opposed to telling them what the best decision is for them. The involvement of a 3<sup>rd</sup> party expert on decision analysis, and a moderated working group, has assisted in establishing communication and understandings of others' priorities and concerns. Everyone is well informed on what decisions are possible and the setbacks and advantages to each. The relationship among stakeholders and other parties involved is also vastly improved because of the open lines of communication and presentations of ideas and concerns.

Reflections on the lessons learned from the use of ECR

Collaboration involves time and resources, but it is important to have stakeholder engagement on a regular basis and provide a clear outline of goals and procedures. Third party experts can be helpful for addressing unresolved questions. While it is difficult to get the time of stakeholders to respond to questions, contentious issues were best illuminated for inclusion in the decision model during the one-on-one interviews. It is also difficult to convince technical staff to get on board with a process like this. Often the 3<sup>rd</sup> party is only called once there are problems, rather than being brought in earlier to prevent conflict.

- b. Section I of the ECR Policy identifies key governance challenges faced by departments/agencies while working to accomplish national environmental protection and management goals. Consider your departments'/agency's ECR case, and indicate if it represents an example of where ECR was or is being used to avoid or minimize the occurrence of the following:

	Check <u>all</u> that apply	Check if	
		Not Applicable	Don't Know
Protracted and costly environmental litigation;	<input type="checkbox"/>	<input type="checkbox"/>	X
Unnecessarily lengthy project and resource planning processes;	X	<input type="checkbox"/>	<input type="checkbox"/>

Costly delays in implementing needed environmental protection measures;	X	<input type="checkbox"/>	<input type="checkbox"/>
Foregone public and private investments when decisions are not timely or are appealed;	X	<input type="checkbox"/>	<input type="checkbox"/>
Lower quality outcomes and lost opportunities when environmental plans and decisions are not informed by all available information and perspectives; and	X	<input type="checkbox"/>	<input type="checkbox"/>
Deep-seated antagonism and hostility repeatedly reinforced between stakeholders by unattended conflicts.	X	<input type="checkbox"/>	<input type="checkbox"/>

9. 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.

USACE encountered no real difficulty in collecting the information for this data call. The primary difficulty faced is that most of USACE's work focuses on collaborative and partnering processes rather than on ECR by its formal definition, which requires use of a neutral third party. Districts again reported that the current ECR definition is quite limited. It is not always necessary to bring in an outside, third party in order to have successful resolution of issues. One District reported that ECR issues are raised on a regular basis but not specifically tracked through any metrics so all information is based on best professional judgment of staff. Another District reported not enough time to compile the report responses.

Each year, CPCX asks USACE what type of conflict resolution and public participation support the Center should provide in the following FY. This year, responders expressed interest in the following types of assistance: public involvement/communication plan, vertical integration support, workshop design, consultation via phone, assistance with charettes, and monthly coaching/mentoring webinar. Divisions and Districts also nominated a number of people to participate in the new Environmental Conflict Resolution Certification Program.

Divisions and Districts requested the following on-site trainings: Public Involvement & Team Building in Planning, Shared Vision Planning, Collaborative Leadership, Facilitation, and Risk Communication. CPCX also received suggestions for additional people to add to the USACE Facilitator Database, and there were requests for several webinars including ECR/Collaboration and case study lessons, key facilitation topics, and facilitation lessons learned from Planning Transformation charettes.

***Please attach any additional information as warranted.***

Attached A. Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving

**Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving**

<b>Informed Commitment</b>	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
<b>Balanced, Voluntary Representation</b>	Ensure balanced inclusion of affected/concerned interests; all parties should be willing and able to participate and select their own representatives
<b>Group Autonomy</b>	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
<b>Informed Process</b>	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
<b>Accountability</b>	Participate in the process directly, fully, and in good faith; be accountable to all participants, as well as agency representatives and the public
<b>Openness</b>	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
<b>Timeliness</b>	Ensure timely decisions and outcomes
<b>Implementation</b>	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