5th ANNUAL REPORT (2010) 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 2010, including progress made since 2009. 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.]

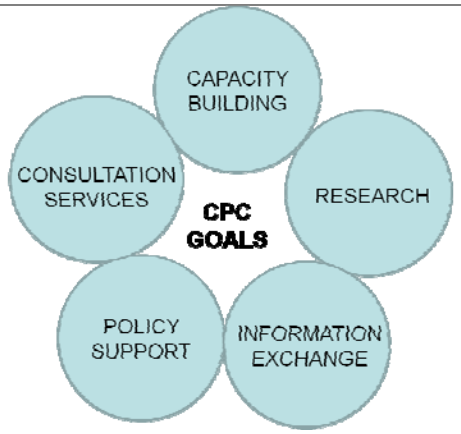
General Comments

In 2010 the Corps took many steps to build programmatic/institutional capacity for both third party assisted Environmental Conflict Resolution (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 the Corps Civil Works program is executed.

USACE Campaign Plan & Civil Works Strategic Plan – USACE has embraced collaborative approaches to environmental problems through the Campaign Plan and the Civil Work Strategic Plan. Both documents commit the Corps to implement collaborative approaches to effectively solve water resource problems. Within the Plans, the Corps commits to develop and implement collaborative approaches to improve behavior, accelerate organizational change and solve water resource problems. The plans call for a focus on effectively engaging external agencies to blend multiple approaches & analysis methods, to synchronize complementary interagency efforts, and to orchestrate timing of resources to optimize and integrate multi-agency implementable solutions. www.usace.army.mil/about/campaignplan/Pages/Home.aspx During FY10, strategies and activities were developed and executed at the Headquarters, District and Division Levels to implement the collaborative objectives of the Campaign Plan. Work has progressed on appropriate ways to measure and display the achievement of collaborative goals.

Conflict Resolution and Public Participation Center of Expertise – The Corps' Conflict Resolution and Public Participation Center of Expertise (CPC) mission is 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/). During 2010, the Center provided technical assistance to Districts and Divisions on collaborative processes, completed a baseline assessment of USACE collaborative capacity, released several reports on environmental conflict resolution and collaborative processes, and launched a Public Participation and Risk Communication Community of Practice (CoP).

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



Corps Culture - The Corps has successfully used proactive collaborative processes for years. This approach has resulted in a relatively low number of instances where the more formal 3rd party ECR is required. Across Corps 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. Districts and Divisions are developing 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. Emphasis is placed on this concept of early and continuous collaboration as it is a basis for sound planning and "Getting It Right the First Time".

Public Participation Community of Practice – USACE developed a Public Participation Community of Practice (CoP) with 270+ new members, including a network of USACE facilitators from across Corps divisions and business lines. As part of the CoP set up, USACE developed an information-sharing web environment (using SharePoint) and hosted a webinar series, including third-party assisted environmental conflict resolution in USACE, the services and strategic plan of CPC, and the Public Participation CoP. The Public Participation CoP is currently going through the process of formal recognition and identification of a formal champion and proponent.

USACE Tribal Nations Community of Practice –A primary mission of the Tribal Nations CoP is to build and maintain relationships and alliances at all levels. The Tribal Nations CoP provides a USACE focus on Federal trust responsibilities and a means for addressing complex and politically sensitive issues. Corps Tribal Liaisons help to ensure that Tribal concerns are considered from the earliest stages of every project and program and that issues are addressed and resolved. Another primary mission is the education of Corps employees in effective and culturally sensitive consultation with Tribes. Free 2 1/2 days sessions are offered annually to assist the Corps in successful interactions with Tribal members in situations that are sometimes highly charged with emotion.

USACE Collaborative Capacity Assessment Initiative – USACE's final report from its 18-month "Collaborative Capacity Assessment Initiative" whose final report provides specific recommendations (see the response to Question #9) on how to

enhance the ability of the Corps to collaborate with external stakeholders to successfully carry out water resources planning and management missions. The findings and recommendations presented in this report are based on a quantitative survey and insights and feedback from workshop participants across the Corps.

Building Strong Collaborative Relationships for a Sustainable Water Resources Future - To identify and leverage opportunities for collaborative efforts and to create a joint national dialogue for water priorities between states, tribes and the federal resource agencies, the Corps published its final report from an 18-month effort that brought state, interstate and river basin organizations together with federal officials to explore ways to further leverage Federal resources in assisting tribes and states in their water resources planning and management in an era of constrained resources. www.building-collaboration-for-water.org/

WestFAST - USACE is a major proponent of the recently formed Western States Federal Agency Support Team (WestFAST) which will soon be comprised of eleven federal agencies. WestFAST (www.westgov.org/wswc/WestFAST.htm) is contributing to programmatic capacity for ECR by helping build federal, state, tribal, and other stakeholder organizations relationships in the West. This regional multi-organization structure is helping federal agencies and others become better prepared to conduct future ECR by providing venues to develop common understanding of water resource related issues and building capacity to better leverage and focus the technical resources of multiple organizations.

Policy Revisions - As part of its post-Katrina response, developed recommended policies and actions to encourage public involvement in implementing USACE's flood risk management mission The USACE report "Public Involvement Framework & Implementation Plan for Flood Risk Management," for the Interagency Performance Evaluation Task Force Hurricane Protection Decision Chronology Implementation Team is currently undergoing external vetting and review. While not explicitly addressing 3rd party assisted ECR, the policy recommendations will both build capacity and develop guidance and business processes for how and when to apply third party ECR to support Corps programs. In addition USACE drafted revisions to the Public Involvement guidance for Corps Planning processes. This is being coordinated with the CEQ-led revision of the existing Principles & Guidelines http://www.whitehouse.gov/administration/eop/ceq/initiatives/PandG/ .

Training and Other Investments in ECR Support –
USACE published various ECR related documents including: "Federal Agency Public Participation and Collaboration Policies Through 2006"; "Analysis of Process Issues in Shared Vision Planning Cases", "Performance Measures to Assess the Benefits of Shared Vision Planning and Other Collaborative Modeling Processes"; "How to Conduct a Shared Vision Planning Process"; and updates to the Mediation, Non-binding Arbitration, and Partnering pamphlets in its Alternative Dispute Resolution Series.

To inform future trainings of the National Flood Risk Management Program, USACE convened a panel of experts from academia, the Corps, and other agencies to identify the challenges associated with communicating flood risk throughout the disaster cycle, and discussed principles and approaches for addressing these challenges

Various aspects of ECR training were incorporated into the curriculum of the South Atlantic Division Leadership Development Program for FY10 and South Pacific Division offered Environmental Collaboration training which invited feedback on ongoing efforts relative to ECR and collaboration.

The Engineering Research and Development Center sponsored a national four-day workshop on “Achieving Environmental Benefits from Navigation Dredging Through Beneficial Use”. This workshop focused on identification of collaborative barriers as well as use of collaborative skills in addressing conflicts associated with using dredged material.

CPC participated on the National Coordinating Committee of the use of Technology in Environmental Conflict Resolution to identify best practices and create an awards program for ECR & Tech;

CPC co-chaired and organized the second national workshop on Computer Aided Dispute Resolution for Water Resource problems. This workshop brought together planners, modelers and conflict resolution specialists to develop a strategic plan for the integration of transparent computer tools in multi-party water conflict resolution (www.computeraideddisputeresolution.us/workshop2009.cfm).

Finally, development of an in-house contracting mechanism for accessing ECR facilitators Corps-wide is underway. This mechanism should address the gaps in existing contracting mechanisms for Districts to rapidly access 3rd party ECR expertise, and complement existing MOU’s between the Corps and the U.S. Institute for Environmental Conflict Resolution

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
	Check **only** one		
a) Lack of staff expertise to participate in ECR	☐	×	☐
b) Lack of staff availability to engage in ECR	☐	×	☐
c) Lack of party capacity to engage in ECR	☐	×	☐
d) Limited or no funds for facilitators and mediators	☐	×	☐
e) Lack of travel costs for your own or other federal agency staff	☐	×	☐
f) Lack of travel costs for non-federal parties	☐	×	☐
g) Reluctance of federal decision makers to support or participate	☐	×	☐
h) Reluctance of other federal agencies to participate	☐	×	☐
i) Reluctance of other non-federal parties to participate	☐	×	☐
j) Contracting barriers/inefficiencies	☐	×	☐
k) Lack of resources for staff capacity building	☐	×	☐
l) Lack of personnel incentives	☐	×	☐
m) Lack of budget incentives	☐	×	☐
n) Lack of access to qualified mediators and facilitators	☐	×	☐
o) Perception of time and resource intensive nature of ECR	☐	×	☐
p) Uncertainty about whether to engage in ECR	☐	×	☐
q) Uncertainty about the net benefits of ECR	☐	×	☐
r) Other(s) (please specify): _____	☐	☐	☐
s) No barriers (please explain): _____	☐	☐	☐

Note: The extent of the challenge/barrier was determined by averaging the results provided by the Divisions. The Divisions results included the compilation of District input. Also, if the majority of the votes were for "Not a challenge/barrier", but there were votes for "Minor" as well, "Minor" was the final vote used.

Section 3: ECR Use

3. Describe the level of ECR use within your department/agency in FY 2010 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[1]	Completed Cases or projects [2]	**Total FY 2010 ECR Cases**[3]	**Decision making forum that was addressing the issues when ECR was initiated:**					Of the **total FY 2010 ECR cases** indicate how many your agency/department	
				Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)		Sponsored[4]	Participated in but did not sponsor[5]
Context for ECR Applications:										
Policy development	1	_____	1	1	_____	_____	_____		1	_____
Planning	5	1	6	5	_____	_____	1	AICS	6	_____
Siting and construction	2	1	3	2	_____	1	_____		2	1
Rulemaking	_____	_____	_____	_____	_____	_____	_____		_____	_____
License and permit issuance	7	_____	7	_____	7	_____	_____		_____	7
Compliance and enforcement action	_____	_____	_____	_____	_____	_____	_____		_____	_____
Implementation/monitoring agreements	1	_____	1	_____	_____	_____	1	HSDR	_____	1
Other (specify): _____	_____	1	1	1	_____	_____	_____		1	_____
TOTAL	**16** (the sum should equal **Total FY 2010 ECR Cases**)	**3**	**19**	**9**	**7**	**1**	**2**		**10**	**9**
				(the sum of the Decision Making Forums should equal **Total FY 2010 ECR Cases**)					(the sum should equal **Total FY 2010 ECR Cases**)	

[1] A "case in progress" is an ECR case in which neutral third party involvement began prior to or during FY 2010 and did not end during FY 2010.
[2] A "completed case" means that neutral third party involvement in a particular matter ended during FY 2010. 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.
[3] "Cases in progress" and "completed cases" add up to "Total FY2010 ECR Cases".
[4] 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.
[5] 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).
[6] America Inner Coast Summit
[7] Hurricane and Storm Damage Reduction

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 2010, 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 2009 can be found in the FY 2009 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	✕	✕
Flood Risk Management	✕	✕
Hydropower	✕	✕
Water Supply	✕	☐
Recreation	✕	✕
Emergency Management	☐	☐
Ecosystem Restoration	✕	✕
Regulatory	✕	☐

List of additional priority areas identified by your department/agency in FY 2010	Check if using ECR
_____	☐
_____	☐
_____	☐
_____	☐

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]

The Corps has recently conducted four assessments that relate to the effectiveness of Corps in engaging in ECR and collaboration more generally. These assessments include:

1. Corps 2010 Collaborative Capacity Assessment initiative -Target audience is USACE personnel (see Question 1)
2. Interviews conducted in 2009 during the "Building Strong Collaborative Relationships with States" initiative - Target audience is State agencies (see Question 1)
3. Annual USACE Customer Satisfaction Surveys - Target Audience to date has been limited to cost-share sponsors, however, this coming year's survey will be expanded to include other stakeholders.
4. 2009 Communication Survey of more than 4000 Corps employees - Target Audience is Corps communication experts and leaders

In addition, the Divisions and Districts provided several suggestions for how to measure the success of ECR. They noted that this ECR survey is one effective mechanism. Suggestions included (1) estimating what the total time and cost of cases would have been without ECR and comparing with the actual costs; (2) "monitoring schedule milestones for input obtained/decisions made by the ECR-facilitated group"; and (3) organizing a "national ECR workgroup to discuss successes and failures" which could be run through the Corps' Communities of Practice networks. Other areas described initial steps toward tracking performance, including the use of a facilitator for the Columbia River Treaty program; tracking physical metrics regarding habitat restoration in the Arkansas River Basin; resolving community conflicts through Silver Jackets; and documenting conflict resolution through the Corps planning and National Environmental Policy Act (NEPA) process.

6. Describe other significant efforts your agency has taken in FY 2010 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.

Corps Districts report highly developed and effective outreach efforts with partners. By being as proactive and inclusive as possible, the Corps reports that it has avoided the need for formal ECR. An example is a recent conflict with the State of Louisiana on beneficial use of dredge material where, even though the Corps and LA disagree on a specific federal requirement, the Corps and LA continue to work together for beneficial use as much as possible.

Below we divide reports of non-third party collaborative processes into four areas: Formal Coordination Processes; Business Processes & Culture; Communication Tools; and Scientific/Technical Consensus Building Tools. The examples of Memorandums of Understanding and Agreement and other collaborative processes that are listed below are those that were highlighted during the FY10 annual data call and do not represent a complete list.

Formal Coordination Processes (e.g. MOUs/MOAs, Federal programs, steering committees/regional groups, etc.)

Memoranda of Understanding (MOUs) and Agreement (MOAs)

- South Pacific Division uses the California Bay-Delta MOU with six Federal agencies – the Department of the Interior (DOI), Department of Commerce, Department of Agriculture (USDA), Department of the Army, Environmental Protection Agency (EPA), and the Council on Environmental Quality. The MOU established a Federal Leadership Committee to coordinate the Federal response to the California water crisis and to facilitate a partnership with the State of California in addressing California's water supply and environmental challenges. Under the MOU, the Federal agencies developed an Interim Federal Action Plan to address the goals of the MOU.
- Nashville District has developed a multi-agency regional MOU in support of the Tennessee Strategic Mollusk Plan which has been signed by several agencies.
- Detroit District uses MOUs with State Historic Preservation Offices.
- Mississippi Valley Division signed several MOUs in FY10 including ones with the Lower Mississippi River Resource Conservation Committee and with the National Great Rivers Research and Education Center.
- The Missouri River Ecosystem Restoration Plan (MRERP) uses cooperating agency agreements (MOAs) with over 20 Federal, Tribal, and state partners.
- Portland (OR) District and the US Institute for Environmental Conflict

Resolution signed an MOU for mediation and support services in conjunction with the Columbia River Treaty review.

- South Atlantic, North Atlantic, and South Pacific Divisions have regional Memoranda of Understanding with The Nature Conservancy to promote the sharing of information and expertise in managing and restoring biological resources of their respective regions. The Great Lakes and Ohio River Division is currently pursuing an MOU with The Nature Conservancy.
- The South Atlantic Division's MOU with EPA Region 4 on Ocean Dumping includes regular meetings and fomented the recent completion of the Southeastern Regional Implementation Manual to address agencies roles on ocean disposal of dredged material (pursuant to Section 103 of Marine Protection, Research and Sanctuaries Act).
- Fort Worth District participates in several nationwide MOAs with other resource organizations (USF&WS, FERC, NRC, Union Pacific Railway) where issues are identified early on and dealt with through pre-existing relationships and understandings prior to conflict development.
- The Baltimore District has an MOA with the National Park Service to coordinate activities related to the District of Columbia Levee.
- The Department of the Army, Department of the Interior, and the EPA have a Memorandum of Understanding and "Interagency Action Plan" designed to significantly reduce the harmful environmental consequences of Appalachian surface coal mining operations, while ensuring that future mining is consistent with federal law.

Steering Committees/Regional Groups

Through the Silver Jackets Program, FEMA and the Corps establish State-led interagency teams that focus on flood mitigation at the State level. Silver Jackets provides a formal and consistent interagency approach to planning and mitigating for flood hazards and to linking activities to the response and recovery of these hazards. Current or emerging Silver Jackets program cover the states of Texas, Kansas, Oklahoma and others.

In Galveston District, Interagency Coordination Teams (ICT) attempt to reach consensus on all major planning studies where an Environmental Impact Statement (EIS) will be prepared. The ICT is chartered with all state and federal resource agencies invited to participate; it attempts to reach decisions by consensus. The ICT is directly involved in the development and analysis of project alternatives and identification of sensitive or significant resources. Since the routine use of ICT's USACE has not been sued over NEPA coordination and documents and delays in resource agency approval of projects have been reduced.

The Western States Water Council, Western Federal Agency Support Team (soon to be comprised of 11 federal agencies including the Corps), and a

Federal Liaison Officer collaboratively work to leverage resources that address water resource issues of concern in the West.

To advance multi-organization cooperation, the Kansas Water Office (KWO) and the Corps are piloting the concept of a federal "Liaison Officer" who would work with the KWO to become intimately familiar with the Kansas Reservoir Sustainability Initiative and help leverage federal agency resources to provide collaborative planning assistance. This pilot could lead to the development of a "template process" for other states to advance water-related collaboration.

Portland (OR) District uses dedicated Adaptive Management Teams for dredging and rehabilitation efforts.

Mississippi Valley Division is setting up a Steering Team and watershed process for America's Inner Coast efforts.

Chicago District participates as a member of a Government Relations Committee of the Chicago Wilderness and on an executive steering committee for the Great Lakes Mississippi River Invasive Species study.

Buffalo District has established Task Forces in Toledo and Cleveland to facilitate resolution of dredged material management issues and provide a forum to resolve environmental concerns in advance of formal dispute resolution.

The Nashville District is also engaged in an Endangered Species Act consultation with US Fish & Wildlife Service on the effects on downstream listed mussels of cold water releases from Corps dams for upstream trout fisheries.

Pittsburg District participates in the Upper Ohio Navigation Study Interagency Working Group.

Southwest Division is partnering with the Arkansas Game and Fish Commission, Arkansas Natural Resources Commission, and Little River County to identify watershed issues within southwest Arkansas.

Through the Executive Steering Committee of the Savannah Harbor Expansion Project (SHEP), the Corps, other USG agencies and the state of Georgia oversee development of the SHEP reevaluation report and environmental impact statement. The Committee meets quarterly to address issue resolution, develop collaborative solutions to environmental issues, and chart future actions.

The Corps continues its active support of the Gulf of Mexico Alliance - a collaborative partnership among a range of state and Federal agencies and

non-governmental organizations to enhance the ecological and economic health of the Gulf of Mexico.

The Corps participation in both the Southeast Natural Resource Leaders Group and Southeast Regional Partnership for Planning and Sustainability serves as a base for intra-agency collaboration and coordination across state and Federal natural resource agencies in the Southeast.

New England District has a Mid Level Managers Group that provides a formal coordination structure for New England dredging and wetlands issues across multiple federal agencies.

The Baltimore District participates in the Steering and Management Committees for the Anacostia Watershed Restoration Partnership –providing a formal structure for coordination of comprehensive watershed restoration efforts by Federal, State, Local and non-governmental entities. Similarly Baltimore District serves on the Maryland Dredged Material Management Executive and Management Committees and Harbor Team, providing formal oversight of management of dredged materials in the Port of Baltimore and other Maryland Harbors.

In South Pacific Division, the Bay Delta Conservation Plan (BDCP) is being prepared through a collaboration of state, federal, and local water agencies, state and federal fish agencies, environmental organizations, and other interested parties. These organizations have formed the BDCP Steering Committee with the goal of identifying water flow and habitat restoration actions to recover endangered and sensitive species and their habitats in California's Sacramento-San Joaquin River Delta. The Corps is an ex-officio member of the Steering Committee.

The Delta Stewardship Council is charged with protecting the Sacramento-San Joaquin Delta and the critical role it serves in the water supply for millions of Californians and its unique ecosystem and way of life. It is composed of members who represent different parts of the state and offer diverse expertise in fields such as agriculture, science, the environment, and public service. The Corps is a non-voting member of the Council.

The San Francisco Bay Long Term Management Strategy (LTMS) is an initiative to identify acceptable dredge material disposal sites, develop management, economic and environmental plans for these sites, implement decision making framework for site usage, streamline permit procedures, and establish long term site monitoring.

The Delta Long-Term Management Strategy (LTMS) is a cooperative effort to coordinate, plan, and implement beneficial reuse of sediments in the Sacramento and San Joaquin River Delta, CA. It is a collaborative,

multiagency approach to the Delta dredging projects, benefiting water quality and fisheries resources of the Bay-Delta watershed.

The California Coastal Sediment Master Plan is a cooperative effort to develop comprehensive plan for management, restoration, protection and preservation of the sediment resources along the coast of California.

In FY2010, Los Angeles District completed the Program Environmental Impact Statement/Environmental Impact Report for the San Diego Creek Watershed Special Area Management Plan (SAMP), Orange County, CA in collaboration with the California Dept. of Fish & Game (CDFG). Under the SAMP's specific permitting strategies, certain nationwide permits (NWP's) would be revoked and replaced with a new letter of permission procedure, a regional general permit for maintenance activities within developed areas of the watershed, and standard individual permits. These collaboratively-developed, alternate permitting strategies incorporate both Federal and state policies to implement watershed-based mitigation, aquatic resources conservation, and streamlined permitting by the Corps and CDFG. In July 2010, SPD's commander signed Records of Decision for both the San Diego Creek Watershed SAMP, and San Juan Creek/Western San Mateo Creek Watersheds SAMP completed in 2006, revoking certain NWP's and implementing the alternate permitting strategies for both pursuant to section 404 of the Clean Water Act.

The California Levees Roundtable is a partnership of federal, State, and local agencies formed to address vegetation issues affecting the State-federal levee system in the Central Valley. The Roundtable recognized that vegetation management is only one of many issues that threaten levees and broadened its scope to address many threats to levee integrity. The flood system improvement process requires a comprehensive approach to improve public safety that focuses first on the most critical areas affecting public safety.

South Pacific Division conducts Federal Interagency Partnering Sessions. Commanders and senior leaders from the Corps, USFWS, NMFS, EPA and California DFG attend bi-annual partnering sessions to discuss environmental and regulatory policy issues in the region.

South Pacific Division supports collaborative relationships in flood risk management through the recent development of Silver Jackets programs in NM and AZ and preliminary discussions in NV. This program focuses on the building of relationships at a regional level to maximize both human and capital resources to solve water resources problems.

The Corps' Institute of Water Resources is helping the California Department of Water Resources (DWR) to engage stakeholders in discussions about water demand estimates in advance of its next semi-decadal water plan. An MOU is being negotiated between DWR and IWR to cover training and technical

assistance. California DWR will lead all modeling and planning processes. The goal of this plan is to prepare the California DWR to use the Shared Vision Planning method for the development of a comprehensive water-management plan.

Business Processes and Culture (e.g. scoping meetings, charettes, public workshops, training, etc.)

Corps Districts use various processes to engage stakeholders and the public and reduce the need for formal 3rd party ECR processes. In some cases, ECR is suggested, but usually the Corps can work through any issues with our partners. ECR is a recognized tool in our business processes. Corps Planning projects are coordinated with agencies and stakeholders using a variety of methods including scoping meetings, open houses, charettes, public workshops, and team building/consensus building activities. Similarly the Corps uses scoping meetings, public meetings, public hearings and workshops to collaboratively perform their responsibilities pursuant to the National Environmental Policy Act; Clean Water Act; Endangered Species Act; Marine Protection, Research and Sanctuaries Act; the National Historic Preservation Act, etc.

The Planning Assistance to States (PAS) program helps local, state, and Native American tribal governments access Federal funds and water expertise and reduce the risk of future environmental conflicts. For example, PAS work with Oklahoma to manage available water supplies to meet demands mirrors a collaborative approach used by the Western States Water Council and the Western States Federal Agency Support Team.

Corps Districts cited multiple examples of regular coordination meetings with State and Federal agencies and other stakeholders to review projects and programs. Corps Districts engage in numerous stakeholder project meetings to discuss project alternatives and resolve issues prior to implementation of the selected alternative. Adherence to the NEPA scoping requirements is another collaborative process that helps the Corps anticipate and prevent environmental issues. Identification of stakeholders, agencies and tribes is key to achieving a positive outcome.

The Corps of Engineers and Bonneville Power Administration are collaboratively developing a Joint Work Plan on the scope and direction of the Columbia River Treaty Review to be conducted under the auspices of the US Treaty entity.
MRERP has worked with Tribes through regional workshops (10 conducted in FY 10) targeted at identifying key tribal natural resources.

Corps Districts used public workshops and charettes in 2010 for major regional

projects or Programs (i.e. hurricane damage rebuilding in New Orleans and Great Lakes Mississippi River Interbasin Study). Projects such as Fargo-Morehead flood protection have recently had significant public input and interaction.

Regular communications between Corps Regulatory staff and applicants and resource agencies help identify and resolve potential issues.

Chicago District conducted a fish screen charette for the Chicago Sanitary and Ship Canal Final Efficacy Study.

Mississippi Valley Division has recently begun informal coordination with USFWS on updating Reasonable and Prudent Alternatives and Measures for the Biological Opinion on the 9-foot navigation channel in the upper part of the Mississippi River.

Another proactive business practice is the Corps Tribal Nation outreach program. We have an organized and recognized network of Tribal Liaisons that effectively works with the tribes and are regionally organized.

Mississippi Valley Division reports that HQ guidance and information on collaborative processes (e.g. Conflict Resolution, Public Participation and Tribal Relationships) is immediately transmitted to the field. Corresponding training is regularly offered.

Extensive collaboration with local authorities, Southwestern Power Administration, and other stakeholders resulted in approved water supply storage reallocations for the Mid-Arkansas Water Alliance and the Ozark Mountain Regional Public Water Authority.

Through the Coastal Mississippi Comprehensive Improvement Program the Corps actively participates in the regional meetings and workshops including those of the Gulf Coast Ecosystem Restoration Task Force and the Gulf of Mexico Alliance.

Savannah District also participates in monthly meetings of the non-federally led Stakeholders Evaluation Group for the Savannah Harbor Expansion Project (SHEP). This group is brings together parties to identify environmental issues surrounding the SHEP reevaluation study. In FY10 the Corps held a planning charette in conjunction with the technical review of the draft reevaluation report and environmental impact statement.

Over the last decade the Water Management Office of the Corps' Wilmington (NC) District has developed a successful collaborative stakeholder process with stakeholders across North Carolina and Virginia through weekly conference calls, weekly emails and project status reports, web-site postings,

and as-needed face-to-face stakeholder meetings. These communication fora are frequently used by others parts of the Corps for collaboration/coordination on related issues, such as development of updated drought contingency plans and review of non-federal hydropower projects at Corps constructed dams.

Wilmington (NC) District conducts an annual State/Corps/Agency/Stakeholder Navigation Operation and Maintenance Meeting to openly discuss planned maintenance dredging and beach nourishment activities and potential issues. This open meeting is held in a location central to the agencies to reduce travel efforts.

In 2009, New York District and the Port Authority of New York and New Jersey released the draft Hudson-Raritan Estuary (HRE) Comprehensive Restoration Plan (CRP). The CRP was a collaborative effort with more than 60 organizations and has been adopted by the NY/NJ Harbor Estuary Program (HEP) as the master plan and blueprint for future restoration of the harbor estuary. DOI has now committed to implementation of the HRE CRP.

As part of the Fire Island Inlet to Montauk Point reformulation study, New York District and the study area's stakeholders, State agencies, and local government collectively developed a "Vision Statement" that was ultimately signed by DOI's and DOD's Assistant Secretaries. The Vision Statement provides a framework for development of acceptable hurricane and storm damage reduction alternatives along 83-miles of ocean and bay shorelines in New York.

The state of New Jersey used ~$10 million in NOAA (ARRA) grant funds to construct a tidal wetland in Lincoln Park, Jersey City, NJ. The state-NOAA Project was made possible by using material from the NY/NJ Harbor Dredging and was based on a Corps-funded design. Coordination between the New Jersey Department of Environmental Protection, Hudson County, the Port Authority, New York District and National Oceanic and Atmospheric Administration was instrumental in the project receiving the ARRA funds.

Similarly. New York District is working with multiple Federal, State, local agencies and environmental organizations to implement marsh island restoration in Jamaica Bay, New York.

The Corps' Conflict Resolution and Public Participation Center conducted a week-long Shared Vision Planning workshop with stakeholders and the National Water Authority in the Chili River Basin, Arequipa Peru.

South Pacific Division's Quality Management Guidelines support the concept of using formal scoping meetings and other workshops to ensure early engagement and collaboration of public as well as sponsors and resource agencies.

Communication Tools (e.g. web sites, speakers' bureaus, web meeting software, social networking, etc.)

Websites are widely used by Corps Districts to provide project information to the public. In some cases Twitter or Facebook are used in support of a project to provide information to the public. For example, Savannah District's Regulatory Division is developing an animated, interactive, website to aid permit applicants in the application process. The District uses Web 2.0 tools such as Twitter, Facebook, YouTube and Flikr in its outreach. Jacksonville and Savannah District's Regulatory Divisions have engaged in social media (Facebook, Twitter, YouTube, and Flicker). Products include, but are not limited to, brochures, fact sheets, displays, presentations, videos and web pages, and training in an array of skills, including public speaking, writing, and media relations, creating effective presentations, risk communication and public participation. Another major recent example is the America's Inner Coast Summit where a web site was developed to serve as an umbrella for all Mississippi River watershed efforts and includes a watershed blog. The Corps also makes extensive use of newsletters, web meetings and video teleconferences to promote collaboration and provide information to the public.

During FY 10 the Corps and Bonneville Power Administration (BPA) conducted an extensive outreach to inform key regional stakeholders of the Columbia River Treaty Review Program. A speaker's bureau was a key element of the outreach with the US Treaty entity (Corps and BPA) holding individual and group meetings with stakeholders throughout the Columbia river Basin. The Corps/BPA team also sponsored six web meetings on the public release of two interim documents.

Scientific/Technical Consensus Building Tools (e.g. joint fact finding, independent/interagency science review committees, collaborative modeling, interactive visualization or gaming tools, etc.)

The Districts in Great Lakes and Ohio River Division typically don't develop tools for consensus building for controversial aspects of projects, but rely on the willingness of Cooperating Resources Agencies to provide the additional scientific expertise necessary to participate in informational public and stakeholder outreach.

The Corps uses Independent reviews, workshops, expert panels and scientific work groups for exchanging information across agencies and stakeholder groups and to build consensus on technical issues. Through its National Ecosystem Restoration Planning Center of Expertise, the Corps conducts External Peer Reviews in support of national ecosystem restoration efforts.

The Corps is using the Watershed Assessment Tool (WAT) to conduct risk-based analysis of flood management alternatives under the Columbia River Treaty and to communicate flood risk and uncertainty to regional decision-makers. The WAT tool may be used as a collaborative decision-support tool but a decision has not yet been made to use it in that process.

The Corps, EPA, NMFS, FWS and the Corps held a "Dredging Program Technical Workshop: Deepwater Horizon Oil Spill during which they worked collaboratively to address fundamental questions in developing and implementing short- and long- term solutions for dredged material evaluation and management in the Gulf of Mexico.

The Corps chairs an expert panel to provide technical support to the International Boundary and Water Commission's Dam Safety Projects at Amistad and Falcon Reservoirs located along the border between the United States and Mexico.

Tulsa District facilitated collaborative "table top" exercises with local, state, tribal and federal organizations that simulated theoretical dam breaches. Some of these exercises also included professional organizations such as the Society of American Military Engineers and helped advance regional readiness programs.

In the Oologah Lake Watershed Study, Tulsa District is working with the City of Tulsa, the state of Kansas, and other stakeholders to model existing conditions and future alternative land use practices. The "shared vision" model is helping stakeholders develop a common understanding of issues and identify potential next steps to improve water quality and associated aquatic ecosystems.

The North Atlantic Division has a NOAA staff member embedded in the region to promote to better scientific and policy alignments and identify areas of collaboration between the Corps and NOAA.

North Atlantic Division conducted a regional technical workshop on lessons learned and innovative techniques for shellfish restoration and management with state representatives, academics, and project partners.

To foster scientific and technical consensus among the Federal family on Marcellus shale exploitation and other energy-related topics, the Corps' North Atlantic Division has hosted "Federal Summits" in its role as Federal representative for the state-led Susquehanna and Delaware River Basin Commissions. The Corps has led the establishment of a Marcellus network across the region to facilitate the sharing of pertinent information and is fostering an interagency team to facilitate federal coordination.

South Pacific Division holds the Biennial Bay-Delta Science Conference as well

as Association of California Water Agencies (ACWA) Biennial Conference.

Other

South Pacific Division has a Special Advisor to the Commander for Integrated Water Resources Management as well as a Regional Watershed Planner. 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.

Section 4: Demonstration of ECR Use and Value

7 Briefly describe yo*ur 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 engaging the U.S. Institute for Environmental Conflict Resolution, to the Corps itself serving as a third party neutral. Some Corps 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 (Great Lakes and Ohio River, North Atlantic, South Atlantic, South Pacific, and Pacific Ocean Divisions).

Below is a list of this year's notable achievements as reported from Corps Divisions and Districts:

Lake Texoma Reallocation Study

This study was conducted in response to a Congressional mandate to provide water supply storage from Lake Texoma's conservation (hydropower) pool. The water supply storage reallocation study included the assessment of potential adverse impacts to hydropower interests. The conflict resolution process began in 2004 when Tulsa District began facilitating a series of meetings between the federal agencies, power agency, hydropower stakeholders and other stakeholders. These discussions included the valuation of hydropower and the selection of storage reallocation alternatives. The issues were resolved and a final report was submitted to the Assistant Secretary of the Army for Civil Works (ASA(CW)) for approval. The ASA(CW) approved the report and water supply storage agreements with the North Texas Municipal Water District and the Greater Texoma Utility Authority were signed on 26 April 2010 and 4 June 2010, respectively. Tulsa District adds, based on lessons learned they "would have considered opportunities to seek out professional facilitators which possibly could have accelerated the process."

America's Inner Coast Summit

The Mississippi Valley Division (MVD) held America's Inner Coast Summit in June 2010. The problem was how to rally and organize multiple partners in the Mississippi River Valley to come together in a unified and effective watershed development effort. This included, but was not limited to Federal, state and local agencies, NGOs, private industry, private and public land owners and Tribal Nations. This was the first such effort and needed to be done well, balanced, and transparent. The Corps and an NGO, Sand County

Foundation, acted as facilitators.

MVD wanted to keep the meeting effective with focused actions, so attendance was kept small by invitation only, evenly spread around partner sectors and at higher decision level. A work group concept was used during the Summit with all work group notes posted and summary results discussed in an open forum at the Summit. To support transparent and twoway communication, a web site and Face Book Blog site were developed.

Key benefits included attendee 'ownership' of results and action items. One action item that has already started and is being led by a non-Federal stakeholder is development of a Steering Team and development of a Vision Statement. Lesson learned include listen closely to what the participants say, define actions and ways forward with commitments and POCs to do so, keep communication open and current and give all an opportunity to participate and contribute.

Columbia River Treaty

The Corps of Engineers, Northwestern Division, is currently collaborating with Bonneville Power Administration on the Columbia River Treaty 2014/2024 Review, a series of studies designed to support a recommendation to the US Department of State regarding the future of the Columbia River Treaty. There are key milestone dates for the Treaty coming up in 2014 and 2024 in which the United States has opportunity to make decisions as to whether or not the Treaty should be continued or modified, or possibly seek to negotiate amendments or modifications with Canada. The alternatives have significant implications for flood control, hydropower, ecosystem functional and other river operating purposes and outputs. Because of the significance of those operational changes, the Corps and BPA have made a commitment to conducting an open and collaborative process with regional stakeholders and have convened a policy workgroup consisting of representatives from regional sovereign entities, including states, tribes and other Federal agencies, to support that effort. The Corps has initiated discussion with USIECR about providing support to the stakeholder engagement process, including third-party neutral facilitation of the Sovereigns Policy Team.

The most significant difficulty in this case has been in working with our project partner, Bonneville Power Administration, to select a party to provide facilitation support services. The Corps of Engineers is predisposed to use USIECR based on previous working experience with them in the Missouri River Basin. BPA would prefer to look more broadly and perhaps use a third party with whom they have experience.

Deepening of the Columbia River

The deepening of the Columbia River involved 2 state Water quality certificates, 2 Coastal Zone Management Consistency determinations and 2 Federal Biological Opinions. The Portland District hired a neutral third party to run the Adaptive Management Team and help ensure that all conditions and clearances were met. During the course of 5 years, the group met every quarter to review data and make decisions on how the project should proceed. The third party neutral was funded by the Corps, using appropriated project funds.

Key beneficial outcomes include increased trust between the Federal and State agencies and a better understanding of one another's perspectives and jurisdictions. The project was also completed on time and within budget, with no adverse environmental consequences. The District also notes lessons of setting ground rules, requiring a quorum, being open and transparent with decision making, reviewing and agreeing to all minutes and putting decisions on the web.

Devils Lake Technical Working Group.

In response to letter from the Office of Management and Budget the Corps convened an interagency technical working level group to evaluate flooding in the Devils Lake, North Dakota area. Federal agencies involved in this 90-day initiative include USACE, FEMA, EPA, BIA, State Department, USFW, USGS, NOAA, NRCS, and others. Following listening sessions in the Devil's Lake area, a 3rd party facilitated face-to-face session of the interagency technical working reviewed the issues and proposed solutions. The technical working group members formed four mixed agency groups to explore and prioritize implementable actions and potential alternatives in four categories: Institutional, Water Management, Infrastructure, and Emergency Plans. Agencies collaborated efficiently with no apparent conflict and reached their desired goals of a series of actions they believe must be implemented immediately to address the upstream storage, water release and water quality, armoring embankments and potentially catastrophic flooding of upstream and downstream communities and farmland.

8. ECR Case Example

Case #1

a. Using the template below, provide a description of an ECR case (preferably completed in FY 2010). Please limit the length to no more than 2 pages.

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

Missouri River Recovery Implementation Committee (MRRIC)

Overview:
The Missouri River Recovery Implementation Committee (MRRIC) is a collaborative forum where representatives of basin tribes, states, stakeholder organizations, and federal agencies can meet to develop a shared vision and comprehensive plan for the restoration of the Missouri River ecosystem. The MRRIC provides recommendations to federal, tribal, state, local and private entities in the basin on efforts to recover threatened and endangered species and restore their habitats while sustaining the river's many uses.

Section 5018 of the Water Resources Development Act of 2007 authorized the Secretary of the Army to establish the MRRIC. By involving stakeholders who represent a wide range of interests, the MRRIC is intended to ensure that stakeholder and public values are considered and incorporated into management decisions on recovery of the Missouri River ecosystem. In addition to providing guidance on the existing recovery and mitigation program, the MRRIC is a key forum for shaping the Missouri River Ecosystem Restoration Plan (MRERP).

Timeline:

- As part of the Record of Decision on revisions to the Missouri River Master Water Control Manual, the US Army Corps of Engineers (Corps) committed to the initiation of the Missouri River Recovery Program through a committee of stakeholder and governmental entities (March 2004).
- A Situation Assessment was completed by a contractor to the US Institute for Environmental Conflict Resolution (USIECR) in April 2006. The purpose of the Situation Assessment was to determine whether a recovery implementation committee should be undertaken, assess the likelihood of success, identify opportunities and challenges, and make recommendations on the establishment and potential organizational structure of such a committee.
- The Situation Assessment recommended that the federal agencies in the basin take a leadership role in establishing a stakeholder committee. In May 2006, the Missouri River Basin Interagency Roundtable (MRBIR), an organization of federal agency executives with programs that affect the Missouri River, established the Federal Working Group to develop a proposed framework for establishing the MRRIC.

- The framework called for the collaborative design of the committee through a charter-drafting process that basin tribes, states, stakeholders, and federal agencies could participate in, and was finalized in February 2007.
- The Water Resources Development Act of 2007 became law in November 2007 and included Section 5018, which called for the establishment of the MRRIC and the comprehensive long-term study (MRERP).
- The charter drafting process was completed in January of 2008. Following the completion of the charter, government-to-government consultation was held with tribes throughout the basin.
- Implementation guidance on the MRRIC Charter was signed by the Assistant Secretary of the Army for Civil Works (ASA(CW)) on 1 July 2008, thereby establishing the MRRIC.
- Following a selection process for members of the committee, the first meeting of the MRRIC was held in October of 2008.
- The MRRIC has held twelve meetings to date. Meeting summaries are available at www.mrric.org.

Funding:
The MRRIC is funded as part of the Missouri River Recovery Program. The Omaha and Kansas City Districts of the Corps have a Memorandum of Agreement (MOA) with the USIECR, signed in January 2009. The USIECR provides continuous guidance on the operation of the MRRIC and contracts with the third-party neutral facilitation team for the committee. The services of the USIECR are funded on an annual basis.

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)

- Informed Commitment: Commitment from agency leadership at all levels to participate in a collaborative process has been a challenge. There is a lack of consistent understanding of collaboration and desire to truly participate in it throughout the Corps. More work needs to be done to get consistent, meaningful support of the process, including assurance of the resources needed to ensure success.
- Balanced, Voluntary Representation: The MRRIC Charter was drafted by representatives from basin tribes, states, stakeholders, and federal agencies. The Charter establishes the processes for selection of MRRIC members, with the final decisions to be made by the ASA(CW) (since delegated to the Commander of the Northwestern Division of the Corps).
- Group Autonomy: In addition to the Charter, the MRRIC has established its own Operating Procedures, and have determined that the committee will operate by consensus. The MRRIC members participated in selection of the third-party neutral facilitation team. The MRRIC members set the agendas for MRRIC meetings.

- Informed Process: With the complexity of the science involved in the Recovery Program, it is a continuous challenge to ensure that all members of the committee have an understanding of the topics under discussion. This has proven particularly difficult for some of the basin tribes. In addition, the conclusions of scientific research can be open to interpretation. Just because information is available and understandable to all participants doesn't mean that they will all come to the same conclusions as to what the information means.
- Accountability: The MRRIC members continue to participate fully in the meetings and in the Work Groups that focus on specific topic areas. Most members appear to take the notion of accountability seriously and tend to follow the set procedures.
- Openness: The Corps has established a WebEx file sharing site for the MRRIC. Members are able to access information and keep informed on the progress of the various Work Groups. In addition, a public web site has been established. The Corps operates and maintains both the WebEx site and the public web site and are working on placing more information on the public web site and on keeping that site up-to-date. A Facebook Group has also been established, with minimal participation to-date.
- Timeliness: The MRRIC is an on-going public involvement process. The committee has chosen to meet four times a year. Decisions are reached by consensus and there is a "two-meeting rule" for final consensus determination. This means that a decision is reached by tentative consensus at one meeting and final consensus is determined at the next meeting, effectively adding three months of slack-time to the finalization of any committee decisions. This has proven to be a challenge in obtaining recommendations from the MRRIC within a timeframe that makes them usable to the agencies.
- Implementation: The MRRIC Charter calls for the agencies to inform the committee of the manner in which a recommendation will be implemented, and if it cannot be implemented, explain why. The agencies participate on the various MRRIC Work Groups and have the duty to inform the MRRIC members early in the development of a recommendation of any laws, regulations, or other constraints that could prevent the implementation of a recommendation. In that way, by the time a recommendation reaches final consensus, it should be implementable.

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 MRRIC has been in bringing together the disparate groups of basin tribes, states, stakeholders, and federal agencies in one meeting location where they can listen to each other, present their interests, interact, socialize, and work together. The federal agencies have the ability to provide information on the various

aspects of the Recovery Program and laws and regulations such as the Endangered Species Act to a select group of highly influential opinion leaders in the basin. The decision-makers also have the opportunity to hear and understand the impacts that their decisions may have on the inhabitants of the basin. This ability to interact is invaluable.

In the past, stakeholders that have not felt that they have had the opportunity to be heard have resorted to lawsuits to make their points.
The MRRIC has provided the Missouri River Recovery Program with eight substantive recommendations to date:

1. **MRERP - MRRIC Engagement Strategy**
   Approved MRRIC's recommended strategy for engaging in continued consultation with the lead agencies about MRERP.
2. **Similarity of Appearance of Shovelnose Sturgeon**
   It is the consensus recommendation of MRRIC that the USFWS expedite release of the SOA Notice of Proposed Rulemaking (NPRM) for public comment.
3. **Recommendation on Purpose and Need for MRERP**
   Final consensus was reached July 2009 on the set of Purpose and Need recommendations.
4. **Recommendation on reimbursement of travel expenses for MRRIC members to ASA (CW)**
   The Missouri River Recovery Implementation Committee - Tribal, stakeholder, and state members request the congressional delegations from the Missouri River basin, the Assistant Secretary of the Army for Civil Works, the U.S. Fish and Wildlife Service, and all other federal agencies working with MRRIC to seek federal legislation and/or other means as appropriate to authorize and appropriate funds for reimbursement of Tribal, stakeholder, and state travel expenses.
5. **Transmittal of Values Workshop Summary for MRERP**
   The Missouri River Recovery Implementation Committee (MRRIC) recommends that the perspectives included in the attached summary be considered by the U.S. Army Corps of Engineers (USACE) and the U.S. Fish and Wildlife Service (USFWS) as the agencies develop the list of social, economic, tribal and cultural values for characterizing existing conditions for the Missouri River Ecosystem Restoration Plan (MRERP) and Environmental Impact Statement (EIS).
6. **Prioritization of FY11 Work Plan for Recovery Program**
   If Congress appropriates less than the President's budget for FY 2011, MRRIC recommends the Corps of Engineers exercise its best professional judgment to allocate these resources in the manner which will least damage the efforts to meet the requirements of the Biological Opinion with emphasis placed on maintaining: 1) the Integrated Science Program (ISP) at the highest possible levels; and 2) construction of Emergent Sandbar Habitat (ESH), including ESH on tribal lands.

   If Congress appropriates more than the President's budget for FY 2011, MRRIC recommends these additional funds be used to aggressively pursue the ISP and increase support for the development and implementation of the Adaptive

Management process. MRRIC recommends that ESH receive an increased level of funding, including ESH on Tribal Lands.

7. **Constructing habitat for terns and plovers in non-traditional areas**
   Emergent Sandbar Habitat (ESH) for terns and plovers is of particular importance. Federal agencies should initiate work on the required steps to implement a pilot project to create ESH in areas outside of the current approach, such as adjacent to the channel and/or within reservoirs.
8. **Conducting government-to-government consultation with basin tribes to encourage more tribal participation in the MRRIC.**
   The MRRIC recommends that the USACE and the USFWS jointly conduct government-to-government consultation with as many of the 29 Missouri River basin Tribes as possible between the end of October 2010 and the first MRRIC meeting of 2011. The formal consultation will include sharing opportunities for involvement in MRRIC and gathering information on Tribal obstacles to participating in the MRRIC.

Reflections on the lessons learned from the use of ECR

- It is important to assess the process on a regular basis and make mid-course corrections. The MRRIC members participate in an annual self-assessment survey. The results of the survey are reviewed and areas for improvement are identified.
- Goals of the process should be established early and understood by all participants. The members of the MRRIC have resisted establishing goals for the committee. This lack of clear goals allows each member to work to his or her own goals, which are quite divergent.
- Training in collaboration and public participation processes is lacking in the Corps, especially at leadership levels. The “command and control” culture of the Corps does not easily allow true collaboration to occur.
- Collaboration requires more time and resources than you think.
- Be sure if input is requested that it will be considered in the decision.
- The benefits of collaboration are not necessarily found in the things that are measured. The number of agreements reached does not reflect the increase in level of understanding of the parties.

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 all that apply	*Check if*	
		Not Applicable	Don't Know
Protracted and costly environmental litigation;	X	☐	☐
Unnecessarily lengthy project and resource planning processes;	☐	X	☐
Costly delays in implementing needed environmental protection measures;	☐	X	☐
Foregone public and private investments when decisions are not timely or are appealed;	☐	X	☐
Lower quality outcomes and lost opportunities when environmental plans and decisions are not informed by all available information and perspectives; and	X	☐	☐
Deep-seated antagonism and hostility repeatedly reinforced between stakeholders by unattended conflicts.	X	☐	☐

Case #2

a. Using the template below, provide a description of an ECR case (preferably completed in FY 2010). Please limit the length to no more than 2 pages.

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

USACE's Colorado Regulatory Office (Omaha District) facilitated the implementation of a National Test Case to assess the ability to utilize ECR techniques with a Regulatory Environmental Impact Statement and permit decision in the North Fork Poudre River. The multi-year experiment demonstrates the potential for using Shared Vision Planning—a well established method for collaborative planning—to prevent or resolve disputes over permits for water supply projects. The proposed Halligan and Seaman Reservoir expansions are currently under review by the Corps of Engineers (Omaha District) which has permitting authority for such projects under Section 404 of the Clean Water Act. Past cases, such as Two Forks Reservoir in Colorado and King William Reservoir in Virginia, give reason to be concerned that the 404 permitting process will lead to costly, protracted disputes, and so the permit applicants for these projects—the cities of Fort Collins and Greeley, Colorado, and the North Poudre Irrigation Company—decided to test whether Shared Vision Planning might help the permitting process. The results are promising and warrant further investigation of using SVP for these projects and other 404 permitting processes.

The experiment described here was of limited scope, just large enough to provide a worthwhile test but small enough to fit limited resources and time. It was described as a play-within-a-play. The larger play is the experiment to test SVP to see whether applicants, agencies and stakeholders could support eventually using SVP for the permit process. The play within the play is the use of the SVP method to design management strategies that would improve flows on the North Fork Poudre River. The assumption for the inner play was that Halligan and Seaman would be expanded as generally proposed by the permit applicants. The task was to develop environmental metrics and a shared vision model to explore potential refinements of the two enlargements (including down-sizing the proposed enlargements) and to support the design and evaluation of potential strategies for coordinated operations of the two reservoirs to promote environmentally beneficial flows on the North Fork.

The Halligan Seaman Shared Vision Planning pilot was funded by the 404 permit applicants – the cities of Greeley and Fort Collins - with in-kind support provided by stakeholders. Participants in the experiment included representatives from the following organizations: Colorado Division of Wildlife, Colorado State University, Colorado Trout Unlimited, Colorado Water Conservation Board, Fort Collins Natural Areas Program, Fort Collins Utilities, Greeley Water and Sewer, The Nature Conservancy, North Poudre

Irrigation Company, Save the Poudre Coalition: Poudre Riverkeeper, U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, U.S. Forest Service.

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)

Shared Vision Planning is the Corps application of Collaborative Modeling for Decision support – an application of using new computer technologies in conjunction with ECR principles. SVP was developed in the National Drought study in early 1990s and combines three elements:

- A traditional planning process based on Federal water planning principles, but expanded to address multiple decision makers and an operational and adaptive management phase;
- A rigorous and efficient form of public involvement called “Circles of Influence” that is used to assure that the concerns of the public are addressed; and
- A shared vision planning model, a virtual version of the system to be managed that encompasses all the important impacts of possible decisions. The model is created in a process that engages stakeholders, experts and decision makers.

Shared Vision Planning (SVP) has been used for water management decisions around the country, from the Atlanta Metro Region to the Great Lakes to the Seattle Metro Area, but it has never been used for a permitting decision.

Under the guidance of third party modeler-facilitators, the Halligan-Seaman pilot SVP process collaboratively developed a technical representation of the system – a shared vision planning model - to simulate potential future operations of Halligan and Seaman Reservoirs, as well as operations of several high mountain reservoirs on the main stem, and to simulate the impact of operations on flows, especially on the North Fork. The environmental metrics were incorporated into the SVP model and used to drive the design of operational strategies and evaluate the ecological impact of resulting flows.

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

One of the key advances from the experiment was the development of an array of environmental metrics related to North Fork Poudre River flows. That quantification makes tradeoffs more explicit and understandable. An environmental workgroup framed a set of environment objectives and developed the metrics to help in the design and evaluation of flow management alternatives. These metrics covered the following areas: Hydrology, Habitat availability, Streambank inundation patterns, sediment movement processes, stream and terrestrial inundation by the expanded reservoirs, flow requirements of the Joint Operations Plan, and impacts to flow on the main stem Poudre River.

Several modeling approaches were tested and the result is a set of flow management

alternatives that can be expected to improve low flow conditions. The default operations would result in frequent increases of low flows compared to current conditions; the new flow management alternatives would go further in improving low flow conditions. Specifically, the flow management alternatives would virtually eliminate dry river conditions (zero flow) that would otherwise occur in about 50% of years in the reaches below the North Poudre Canal diversion. In addition to eliminating zero flows, the new flow management alternatives would increase flow from the North Poudre Canal to Seaman Reservoir during most of the driest months. For example, in months of July, August and September, tested alternatives would increase river flow from the North Poudre Canal to Seaman Reservoir by at least 50% compared to the default operations. These increases in flow can be important for fish habitat and other ecological functions.

Reflections on the lessons learned from the use of ECR

This limited scope of the SVP pilot presented some problems (the play within a play referenced above). Although the SVP pilot was conducted separately from the Corps' 404 permitting process, some participants voiced concerns that the limited scope of SVP would bias the Federal environmental impact study and permit decision because of the focus on only the applicants' preferred alternative (the Halligan and Seaman expansions). Further, there was no guarantee that success in the experiment would lead to success in a full implementation of SVP for the permit decision.

Despite these and other issues, participants decided the experiment was worthwhile and remain interested to varying degrees in applying SVP further. The technical issues are better understood, including the range of alternatives and their potential effects on a broad range of environmental metrics. Beyond better technical understanding of the issues across the range of stakeholders, the collaborative modeling process has built trust and mutual understanding of interests, and has helped interest groups refine their preferences and priority metrics.

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 all that apply	*Check if*	
		Not Applicable	Don't Know
Protracted and costly environmental litigation;	x	☐	☐
Unnecessarily lengthy project and resource planning processes;	x	☐	☐
Costly delays in implementing needed environmental protection measures;	☐	x	☐
Foregone public and private investments when decisions are not timely or are appealed;	x	☐	☐
Lower quality outcomes and lost opportunities when environmental plans and decisions are not informed by all available information and perspectives; and	x	☐	☐
Deep-seated antagonism and hostility repeatedly reinforced between stakeholders by unattended conflicts.	x	☐	☐

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.

The Corps encountered no real difficulty in collecting the information for this data call. The primary difficulty faced is that most of the Corps' work focuses on collaborative and partnering processes rather than on ECR by its formal definition, which requires use of a neutral third party. One district asked if questions in the ECR template can be geared more towards non-formal ECR use, while other Districts and Divisions reported that they do not utilize ECR and have "negative" responses to most of the questions. During development of the next ECR template, consideration should be made of including more questions that address partnering and collaborative processes.

Additionally, one Division recommended that the Corps utilize a regional Corps team familiar with environmental conflict resolution and collaborative problem solving to respond to this data call. Another Division recommended that the Corps develop guidance to assist the Divisions in providing a roll up of all of the District information. Although no written guidance is currently provided, the CPC holds a teleconference after the ECR template is distributed to the Division offices and provides guidance and support in completing the questionnaire.

Districts and Divisions also still report that response to this data call and development of this report comes at a very busy time of year, but advance notification was adequate this year.

Below are responses from Districts and Divisions to additional questions the Corps included in this year's ECR Policy Report Template.

1. The case studies provided in response to Question #8 of the *ECR Policy Report Template* will be used to build a database and shared with the new Public Participation Community of Practice (CoP). How would you like us to distribute this information on best practices?

Webinars (8 votes), Public Participation Community of Practice SharePoint site (5 votes), 1 day workshop at each Division's office (2 votes), CPC website (1 vote). Yammer and Defense Connect Online received no votes.

2. Please help prioritize recommendations from the *Collaborative Capacity Assessment Initiative* (these rankings will be presented to HQ as the first step in implementing these recommendations).

# of Votes	Recommendation
4 votes	Revise project-level guidance to accommodate and support effective use of collaboration.
	Within the newly created Public Participation and Risk Communication Community of Practice, establish a professional development program for USACE personnel wishing to develop proficiency in collaboration.
	Document success stories, lessons learned, and best practices in the use of collaboration by USACE personnel to accomplish water resources planning and management missions.
3 votes	USACE leaders should signal that they have "heard" and understand the need for targeted flexibility at the Division and District levels where vital to the success of strategically important collaborative processes, and that they will provide it where necessary.
	Conduct a comprehensive analysis to determine whether specific laws, regulations, and policies under which USACE operates are consistent with USACE's commitment to the use of collaboration, and if not, look for opportunities to bring them into better alignment.
	Provide more funding (and by extension, authorize adequate staff time) for sustaining collaborative processes, and provide it upfront.
2 votes	Make it easier for staff members who wish to use collaborative approaches to find and use existing sources of funding.
	Ensure that there is an effective ombudsperson function to help streamline Districts' and Divisions' efforts to obtain Headquarters' input, flexibility, support, and time-sensitive approvals related to collaborative processes.
	Develop Agency-level communications strategy regarding USACE's use of collaboration that meets the needs of both internal and external stakeholders.
	Develop a better understanding of external stakeholders' views of USACE's collaborative capacity and update the capacity-building strategy recommended in this report based on those findings.
1 vote	Add appropriate metrics to USACE monitoring and evaluation procedures to enable the Agency to accurately assess the costs, benefits, and overall effectiveness of current collaborative efforts and to support continual improvement in USACE's use of collaboration.
	Ensure USACE personnel can readily access facilitators and mediators to assist them with collaborative processes where appropriate.
	Offer training, technical assistance, coaching, and mentoring for targeted USACE audiences (e.g., District Engineers, members of the Senior Executive Service, and mid-level staff) in key topics related to collaboration.