

**FY 2015 TEMPLATE**  
**Environmental Collaboration and Conflict Resolution (ECCR)<sup>1</sup>**  
**Policy Report to OMB-CEQ**

On September 7, 2012, the Director of the Office of Management and Budget (OMB) and the Chairman of the President's Council on Environmental Quality (CEQ) issued a revised policy memorandum on environmental collaboration and conflict resolution (ECCR). This joint memo builds on, reinforces, and replaces the memo on ECR issued in 2005.

The memorandum requires annual reporting by departments and agencies to OMB and CEQ on progress made each year in implementing the ECCR policy direction to increase the effective use and institutional capacity for ECCR.

ECCR is defined in Section 2 of the 2012 memorandum as:

*“ . . . third-party assisted collaborative problem solving and conflict resolution in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and water and land management.*

*The term Environmental Collaboration and Conflict Resolution encompasses a range of assisted collaboration, negotiation, and facilitated dialogue processes and applications. These processes directly engage affected interests and Federal department and agency decision makers in collaborative problem solving and conflict resolution.*

*Multi-issue, multi-party environmental disputes or controversies often take place in high conflict and low trust settings, where the assistance of impartial facilitators or mediators can be instrumental to reaching agreement and resolution. Such disputes range broadly from policy and regulatory disputes to administrative adjudicatory disputes, civil judicial disputes, intra- and interagency disputes, and disputes with non-Federal persons and entities.*

*Environmental Collaboration and Conflict Resolution can be applied during policy development or planning in the context of a rulemaking, administrative decision making, enforcement, or litigation with appropriate attention to the particular requirements of those processes. These contexts typically involve situations where a Federal department or agency has ultimate responsibility for decision making and there may be disagreement or conflict among Federal, Tribal, State and local governments and agencies, public interest organizations, citizens groups, and business and industry groups.*

*Although Environmental Collaboration and Conflict Resolution refers specifically to collaborative and conflict resolution processes aided by third-party neutrals, there is a broad array of partnerships, cooperative arrangements, and unassisted negotiations that Federal agencies may pursue with non-Federal entities to plan, manage, and implement department and agency programs and activities. The Basic Principles for Agency Engagement in Environmental Conflict Resolution and Collaborative Problem Solving are presented in Attachment B. The Basic Principles provide guidance that applies to both Environmental Collaboration and Conflict Resolution and unassisted collaborative problem solving and conflict resolution. This policy recognizes the importance and value of the appropriate use of all forms collaborative problem solving and conflict resolution.”*

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<sup>1</sup> The term ‘ECCR’ includes third-party neutral assistance in environmental collaboration and environmental conflict resolution.

This annual report format below is provided for the seventh year of reporting in accordance with the memo for activities in FY 2015.

We understand that collecting this information may be challenging; however, the departments and agencies are requested to collect this data to the best of their abilities. The 2015 report, along with previous reports, will establish a useful baseline for your department or agency, and collect some information that can be aggregated across agencies. Departments should submit a single report that includes ECCR information from the agencies and other entities within the department. The information in your report will become part of an analysis of all FY 2015 ECCR reports. You may be contacted for the purpose of clarifying information in your report. For your reference, prior year synthesis reports are available at

<http://www.ecr.gov/Resources/FederalECRPolicy/AnnualECRReport.aspx>

USACE reports are available at

<http://www.iwr.usace.army.mil/Missions/CollaborationandConflictResolution/CPCX/Services/References.aspx>

## FY 2015 ECCR Report

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Date this report is being submitted:	January 2016
Name of ECR Forum Representative	Dr. Hal Cardwell

- ECCR Capacity Building Progress:** Describe steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2015, including progress made since FY 2013. Include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases. To the extent your organization wishes to report on any efforts to provide institutional support for non-assisted collaboration efforts include it here. If no steps were taken, please indicate why not.

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

## General Comments

In FY15, the U.S. Army Corps of Engineers (USACE) took substantial steps to build programmatic/institutional capacity for both ECCR 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 ECCR center and other programs that specifically focus on collaborative processes (see discussions below), 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, engineering & construction, operations, and regulatory).

Across USACE Divisions and Districts strong support is shown for collaborative problem solving processes through the encouragement and provision of resources and training to staff to 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 neutrals and thus formal ECCR, Districts and Divisions report a preference for a proactive engagement approach with local cost-share sponsors, partners, and the public. Districts and Divisions prefer to develop local, state, regional, and national teams promoting collaborative planning to anticipate problems and identify alternative solutions early so as to reduce the likelihood and severity of environmental conflict. We highlight these experiences in the answers to Question 7.

### **a. Integrate ECCR objectives into USACE mission statements and strategic planning, *including a focus on accountable performance and achievement.***

The USACE Campaign Plan has embraced collaborative approaches in several goals: [www.usace.army.mil/about/campaignplan/Pages/Home.aspx](http://www.usace.army.mil/about/campaignplan/Pages/Home.aspx). Many of the collaborative activities in this report fall within Goal 2, *Transform Civil Works: "Deliver enduring and essential water resource solutions, utilizing effective transformational strategies."* This goal stresses collaboration in planning and budget development and calls for implementing stakeholder engagement strategies. Goal 3 is *Reduce Disaster Risks: "Deliver support that responds to, recovers from, and mitigates disaster impacts to the nation."* Goal 3 includes an objective to *"Enhance interagency disaster preparation and mitigation capabilities"* with an associated action to "Improve state-level collaboration with the Silver Jackets program (discussed below and in Question 7). Finally, Goal 4 is *Prepare for Tomorrow: "Build resilient people, teams, systems, and processes to sustain a diverse culture of collaboration, innovation and participation to shape and delivery strategic solutions."* A key objective of this goal is to "enhance trust and understanding with customers, stakeholders, teammates, and the public through strategic engagement and communication." During FY15, strategies and activities were developed and executed at the Headquarters, Division and District levels to implement the collaborative objectives of the Campaign Plan. Divisions provided the following examples:

- Increasing collaboration with stakeholder organizations at the local, state and national levels is a key element in the Great Lakes and Ohio River Division's Regional Implementation Plan for Actions 2.a, 3.d, and 4.b. to restore and protect water resources in the Great Lakes and Ohio River Basins, consistent with the USACE Campaign Plan Goals 2, 3 and 4.
- One of the three pillars of Omaha District's FY14-16 Operations Plan is to *"improve communications and strengthen internal and external relationships"*

(Action 3). Under Action 3, Omaha District specifically calls for “*coordinated employee and stakeholder engagement*” (Sub-Action 3.4).

- The Civil Works Research & Development Plan that guides USACE’s Engineer Research and Development Center includes a 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.*”

The 2014-2018 USACE Civil Works Strategic Plan was released in FY2015 and 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. The strategic plan builds institutional abilities and capacity for collaborative problem solving which is the core of ECCR processes. One of the cross-cutting strategies of the strategic plan is **Collaboration and Partnering**. USACE must “*build and sustain collaboration and partnerships at all levels to leverage authorities, funding, talent, data, and research from multiple agencies and organizations.*”

([www.usace.army.mil/Portals/2/docs/civilworks/news/2014-18\\_cw\\_stratplan.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/news/2014-18_cw_stratplan.pdf))

USACE Civil Works Transformation continued to gain momentum in FY15, with the objective to “*...promote enhanced capabilities and greater involvement, ownership, concurrence and commitment among internal USACE team members, local sponsors and partners.*” Major elements of Civil Works Transformation, such as “SMART” planning, Watershed Informed Budgeting, and Alternative Financing require increased and earlier collaboration with partners and the public. SMART planning, for example, uses third-party facilitators to lead planning charrettes across the nation.

USACE Communication Principles are the fundamental principles around which USACE plans its communication strategies with our stakeholders and partners. The USACE Communication Principles include but are not limited to:

- 1) *Effective communication, transparency and understanding are the very foundation of trust.*
- 2) *Communicate not just that people understand, but so that there is no possible way to misunderstand.*
- 3) *Shared information is power.*
- 4) *To succeed, requires early engagement of public and stakeholders.*

#### Environmental Operating Principles

Two out of USACE’s seven Environmental Operating Principles highlight collaboration: #6 – “*Leverage scientific, economic, and social knowledge to understand the environmental context and effects of Corps actions in a collaborative manner*”; and #7 – “*Employ an open, transparent process that respects views of individuals and groups interested in Corps activities.*”

#### Agency Public Involvement Policy

USACE’s Collaboration and Public Participation Center of Expertise (CPCX) has proposed content for a new USACE Public Involvement Policy and has catalogued current USACE policies that guide public involvement in different mission areas. Proposed content for an agency-wide policy includes definitions, principles, and

methods for how public involvement should be conducted across USACE. The draft agency-wide policy will be developed in FY16.

**b. Assure that your agency's infrastructure supports ECCR**

In conjunction with the investments in support, trainings, and programs (discussed in part c below), USACE has built infrastructure to support ECCR through the creation of positions with specific mandates to promote ECCR principles. The creation of these positions are justified by Districts using USACE and District's strategic and operation plans. As an example, Omaha District's FY14-16 Operations Plan identifies an objective to "*develop a trained and enduring workforce*" (Action 1), by (1) having the right staff in the right positions, and (2) encouraging and supporting developmental assignments.

By maintaining staff in Public Affairs Offices as well as creating positions such as the Silver Jacket Coordinator, Outreach Specialist, Public Involvement Specialist & other related positions to assist the District with stakeholder engagement, Districts are able to dedicate time and resources to a wide range of interagency projects such as the:

- The Planning Branch of Omaha District maintains a position dedicated specifically to Missouri River Recovery Implementation Committee, a 70-member stakeholder group representing local, state, tribal and federal interests throughout the Missouri River basin.
- The Flood Risk and Floodplain Management Section of the Hydrologic Engineering Branch has a Silver Jackets coordinator responsible for assisting Silver Jackets' teams in multiple states throughout the District.
- The Rock Island District revised its Outreach team appointment in order to include mid-level managers of all functional areas. The hope is the mid-level managers would act as a strategic think tank suggesting collaborative ventures for the district to participate in and identify which programs and projects need proactive engagement to avoid potential conflict.
- Pittsburgh District has an Interagency Coordinator/Specialist whose primary role is to assure effective communications with project sponsors, other local, state and Federal agencies and the public to prevent conflict later.

Note that many of these positions are not full-time, but allow Districts to establish a focal point for engagement activities and to build internal capacity.

**c. Invest in support, programs, or trainings**

Collaboration and Public Participation Center of Expertise (CPCX)

Created in October 2008, the mission of USACE's Collaboration and Public Participation Center of Expertise (CPCX) is to help USACE staff anticipate, prevent, and manage water conflicts, ensuring that the interests of the public are addressed in USACE decision making ([www.iwr.usace.army.mil/cpc/](http://www.iwr.usace.army.mil/cpc/)). CPCX is comprised of staff at the Institute for Water Resources and Liaisons at each Division. As a continuation of efforts to assess the impact of the Center and chart the path forward for the next 5 years, FY15 activities that served to guide CPCX included:

- The second quinquennial Collaborative Capacity Assessment was published in FY15. USACE Divisions reported their increased level of stakeholder engagement in collaborative decision-making during FY15 was at least partially attributable to the FY14 Collaborative Capacity Improvement Workshops and the subsequent USACE-wide workshop led by the USACE Collaboration and Public Participation Center of Expertise (CPCX).

- CPCX finalized their strategic plan for 2015-2020. The 2015-2020 goals of the Center focus on building capacity, providing direct support, advising USACE leadership, and establishing USACE as a thought-leader in collaboration.

In FY15, CPCX concluded and evaluated the Public Involvement in Flood Risk Management Pilot Program in coordination with USACE's National Flood Risk Management Program. This program is designed to implement the recommendations from the 2010, post-Katrina report "Flood Risk Management Public Involvement Framework & Implementation Plan." Twelve flood risk management projects piloted collaborative approaches to public involvement in USACE's flood risk management mission. Focus areas included hurricane evacuation studies, dam safety modification studies, and planning feasibility studies.

In addition, CPCX continued to expand its Public Involvement Specialists Program, another recommendation from the 2010 report. Public Involvement Specialists serve as internal consultants within the Districts/Division for Civil Works, Military Programs, Regulatory and Readiness missions to enhance two-way communication and collaborative problem solving with stakeholders. Their responsibilities include assessing the need, timing and approach to public engagement, developing public involvement plans, designing effective public involvement forums, and completing public involvement activities. In FY15, the 18 Public Involvement Specialists from the 8 USACE Divisions:

- Provided PI technical assistance to 35 projects
- Conducted general outreach & developed materials for 15 additional activities
- Supported Silver Jackets program & USACE's Government-to-Government relationship with federally recognized tribes,
- Raised awareness of public involvement value/shared info with others
- Supported Levee Safety Communication Planning

Since the roll-out of the USACE Public Involvement Specialists program in FY14, Divisions have reported taking more notice of in-house capabilities and have begun including Public Involvement Specialists on more controversial public projects, which may not have happened in prior years.

In addition to these activities, CPCX continued to provide technical assistance to Districts, Divisions, USACE-HQ and other stakeholders on collaborative processes, including Shared Vision Planning, facilitation services, training, and courses on public involvement, risk communication and conflict resolution. These activities are reported on in appropriate places in this report. CPCX also produced references to serve USACE in the areas of engaging socially vulnerable communities and risk management.

In FY15, the USACE Collaboration and Public Participation Community of Practice (CPP CoP) expanded its membership from 450 members in FY14 to more than 600 members USACE-wide in FY15, published four editions of its CPP CoP newsletter *Collaboration Corner* - including a special edition based off of FY14's Most Innovative MSC ECCR Examples, and sponsored multiple webinars on Collaboration, Conflict Resolution, Risk Communication, and public involvement challenges, tips and successes. The CPP CoP also provides information through an interactive web portal and fosters a network of USACE facilitators from across USACE Divisions and business lines. A kick-off meeting for the newly revitalized CPP CoP Steering

Committee was held in FY15 to refine current CPP CoP objectives and develop strategies to improve the CoP.

#### USACE Tribal Nations Technical Center of Expertise

In FY15 USACE selected Albuquerque District to be the home for a dedicated national Tribal Nations Technical Center of Expertise (TNTCX) to facilitate the agency's ability to fulfill its Tribal responsibilities. A dedicated center of expertise will provide a cost-effective administrative tool that will benefit USACE and Tribal Nations through improved control, consistency, data acquisition and management of Tribal initiatives.

#### Silver Jackets Program

Across the nation, USACE continue to build capacity in state-led "Silver Jackets" teams that advance collaborative problem solving for flood risk management. Forty-four states have active Silver Jackets teams that bring state and federal agencies together to help address state flood-risk management priorities. Although each state Silver Jackets team is unique, common agency participants include state agencies with mission areas of hazard mitigation, emergency management, floodplain management, natural resources management or conservation, etc. Federal participation typically includes USACE, Federal Emergency Management Agency and often others such as the National Weather Service and the U.S. Geological Survey.

To continue building their ECCR capacity, Districts supported staff members' attendance at the FY15 USACE Flood Risk Management/Silver Jackets Workshop. The workshop allowed staff to meet with partners from various agencies to share experiences with interagency projects and address opportunities to develop shared solutions for flood risk challenges.

#### Outreach Programs

Several USACE Districts have built robust outreach programs which allow them to communicate and collaborate with the public, stakeholders, project partners, and elected officials. The overall objective of these outreach programs is to clearly and concisely disseminate public information and embrace stakeholder engagement. The outreach programs comply with the agency Campaign Plan Objective 3d Strengthen Domestic Interagency Support, specifically Action 3d1: "*Engage/integrate USACE capabilities to support interagency objectives*", and Objective 4b "*Enhance trust and understanding with customers, stakeholders, teammates, and the public through strategic engagement and communication*", specifically Action 4b1: "*Improve integrated strategic engagement and communication.*"

#### Training and Other Investments in ECCR Support (in addition to investments captured in Question 2)

- CPCX and the U.S. Fish & Wildlife Service developed a course on Collaboration and Conflict Transformation in Multi-Party Processes for delivery to an interagency audience at the National Conservation and Training Center.
- The USACE Engineer Research & Development Center's (ERDC) Facilitator Exchange Forum continues to provide quarterly webinars, newsletters and webpages to 200+ facilitators across USACE. Webinar topics included: Oklahoma In-stream Flow Advisory Group, Collaborative Decision Analysis Horseshoe Bend Case Study, and Climate Change – An Opportunity for Civil-Military Collaboration. Sixty individuals representing 15 entities attended the live webinars. The archived webinars and associated facilitation pages received 66,758 page hits.

- CPCX taught three courses on Public Involvement and Teaming in Planning and one course each on Effective Communications for Regulatory Project Managers, Tribal Consultations, and Risk Communications reaching more than 157 USACE staff.
- CPCX provided training on Communication and Conflict Resolution and led an interactive session on Facilitation and Collaborative Tools for Tribal Consultation and Multi-Agency Negotiation/Problem-Solving at the USACE's Tribal Nations Community of Practice Meeting and Advanced Tribal Liaison Training.
- USACE's Collaboration and Public Participation CoP is partnering with the U.S. Institute for Environmental Conflict Resolution to promote USACE involvement in the Udall Certificate in Environmental Conflict Resolution. Twenty eight USACE employees took classes in FY15.
- The USACE Civil Works Directorate and ERDC continued building the core competencies of facilitation and collaborative problem solving by providing support for the online Fundamentals of Facilitation and Conflict Resolution training.
- Divisions and Districts are expanding their roster of facilitators via the USACE-wide "Find a Facilitator" network on the Natural Resource Management Gateway.
- Divisions, Districts, and CPCX also began to provide one-hour brown-bag sessions on topics related to ECCR including project and customer/stakeholder communication; social media; value of collaboration to USACE functional areas; and virtual collaboration tools.
- Louisville District Office of Council staff members are required to take courses that allow attorneys to participate in litigation, mediation, and ADR on contracts to include environmental contract actions. Attorneys perform these conflict resolution functions as key members of District teams to resolve pending District matters.

**d. Focus on accountable performance and achievement**

To focus on accountable performance and achievement Divisions, Districts, and CPCX have taken steps to measure and report back on the quality and quantity of the services provided. Many of these efforts for evaluating the levels of performance and achievement are captured in Question 2 of this report. Two additional ways in which USACE remains accountable for their performance are listed below

Customer Satisfaction Survey

To solicit feedback on customer/stakeholder satisfaction with USACE, Districts are encouraged to send annual surveys to customers and stakeholders. In the case of Omaha District, all survey results are shared with Branch Leadership and ratings below 2.0 (out of 5.0) or dissatisfied responses are shared with Executive Leadership. Project Managers are encouraged to follow up with customers/stakeholders who provide low ratings and customer survey scores are incorporated into their performance objectives.

Project Review Board Briefings

To keep leadership abreast of relevant achievements related to collaborative efforts, some Districts report that their Project Manager report strategic engagement and communication with stakeholders, sponsors and customers at the monthly Project Review Board briefings with the Commander and Executive Leadership of their District.

## 2. ECCR Investments and Benefits

- a) Please describe any methods your agency uses to identify the (a) investments made in ECCR, and (b) benefits realized when using ECCR.

Examples of investments may include ECCR programmatic FTEs, dedicated ECCR budgets, funds spent on contracts to support ECCR cases and programs, etc.

Examples of benefits may include cost savings, environmental and natural resource results, furtherance of agency mission, improved working relationship with stakeholders, litigation avoided, timely project progression, etc.

This ECCR report continues to be the primary tool that is used annually across the organization for identifying and documenting ECCR investments and benefits. This year USACE staff partnered with the US Environmental Protection Agency and Department of Interior to update the suite of surveys (facilitated or mediated processes and meetings, trainings) previously managed by USIECR. Once OMB approves these surveys, USACE will identify cases that should be evaluated by using this ECCR report and by asking the CPCX Division Liaisons on a quarterly basis about potential candidate projects.

Two offices provided specific examples of how they measure benefits of facilitated efforts. The Missouri River Recovery Implementation Committee administers an annual assessment that measures the qualitative benefits of the ongoing effort. USACE's ERDC also noted that they prepare extensive documentation for their facilitated sessions that document any decision outcomes. They also typically conduct written evaluations that provide key feedback to meeting organizers.

USACE has several tools used for tracking and evaluating ECCR-related activities periodically. USACE Districts continue to annually survey USACE partners and stakeholders using the "Customer Satisfaction Survey." In 2014, CPCX administered the second Collaborative Capacity Assessment (administered every five years) and published the report in December 2015. CPCX has also been tracking activities of the center's staff and field partners to support the annual ECCR data call.

Field staff mentioned several metrics which they could, or do use to measure ECCR investments and benefits. These include:

- Meeting attendance
- Meeting documentation, including accomplishments
- Number of webinars delivered and attendance
- Number of employees trained and affiliated expenses
- Labor, travel costs for staff supporting ECCR activities

- b) Please report any (a) quantitative or qualitative investments your agency captured during FY 2015; and (b) quantitative or qualitative results (benefits) you have captured during FY 2015.

**2b) (a)** Several offices listed labor investments for their staff whose regular duties include ECCR-related tasks. Staff who fall in this category may include:

- Public Outreach Specialists
- Public Affairs staff
- Counsel / Attorneys
- Staff time at facilitated meetings and charrettes (and related work)
- Trainees
- Missouri River Recovery Program's full-time project manager and other staff support who combined across (Omaha and Kansas City Districts) number approximately 3 additional FTE.
- Program-funded Public Involvement Specialists - ~\$200,000
- Silver Jackets program - ~ \$3 Million to support staff labor and expenses for fostering interagency coordination and related collaborative activities.

PROJECT / INITIATIVE	LEAD	INVESTMENTS	BENEFITS
Formal training to enhance ECCR skills among USACE staff	CPCX	<ul style="list-style-type: none"> <li>• Public Involvement and Teaming in Planning. 113 students. Labor, Travel, course preparation</li> <li>• Effective Communications for Regulatory 2 days, 20 students– labor; limited travel</li> <li>• USIECR trainings (28 students) tuition (\$25K), travel and labor</li> <li>• Risk Communication and Public Involvement. 45 students- travel and labor</li> <li>• Tribal Consultation Training – 70 students.</li> <li>• 6 Webinars (various topics) – 387 attendees</li> </ul>	<p>Increased skills and awareness of ECCR among USACE workforce.</p> <p>Clarified actions to improve USACE culture to support collaboration.</p> <p>The Udall Foundation training will culminate in equipping regional specialists with enhanced ECCR skills.</p>
Facilitated workshops, webinars and training	ERDC	20 webinars with 1219 attendees (multiple topic areas: ecosystem restoration, facilitation, dredging and navigation, invasive species, etc.)	<p><u>Reached 1725 attendees</u> in FY 2015</p> <p>Combined <u>223,708 webpage hits</u>.</p>
Conflict Resolution meeting between permit applicant and other parties regarding permit	Nashville District	Funded ERDC facilitator and court reporter	The facilitation provided USACE with a better, collective understanding of the issues and new alternatives, perspectives, and possible resolution options.

decision (Dec 2014)			
Multiple projects: Shoreline Study, South Bay Salt Ponds Restoration Project, Coyote Valley Dam and Dry Creek	San Francisco District	Facilitation and public outreach (noted used same contract work) from Center for Collaborative Policy; Facilitators from SPK for 2 Charrettes.	Vertical team, resource agency and tribal alignment; facilitators helped organize, stay on track, and documentation.
East San Pedro Bay Re-scoping Charrette			Resulted in greater buy-in and more clearly defined problems and opportunities from their perspective, which is of great value to the PDT.
Missouri River Recovery Program (MRRP)/ Missouri River Recovery Implementation Committee (MRRIC)	Northwestern Division	USASCE invested \$2,216,446.11 in FY15 in facilitation services from the USIECR. Dedicated staff contributed an additional 274 unbillable hours to the MRRIC project	Meetings and other interactions were seamless and collaborative.  The facilitation of the MRRIC provides an opportunity for: (1) basin stakeholders, tribes, states, federal agencies to collaboratively develop a Management Plan for Missouri River listed species which will hopefully lead to greater acceptance of the Plan and allow for its eventual implementation, (2) basin stakeholders to provide consensus recommendations and guidance to USACE and USFWS on the ongoing activities of the MRRP related to the science program and habitat development programs, (3) public values to be incorporated/considered in the Missouri River Recovery Management Plan and ongoing program activities, (4) the

			development of consistent policies, strategies, plans, programs, projects, and priorities for the MRRP, (5) resolution of interagency and intergovernmental conflicts between entities represented on the Committee, and (6) coordination and validation of important scientific and other research associated with the MRRP.
Hatchery Genetics Management Plan	Portland District		Close to reaching agreement that we have been unable to agree on for three years.
Cherry Creek Dam Safety Modification Study in Denver, CO	Omaha District	Omaha District provided CPCX with approximately \$4,000 in funding to assist with stakeholder collaboration and public participation efforts	The group defined USACE's role and the City of Denver's role in the DSMS, identified strategies to reach out to communities (including minorities) near Cherry Creek Dam.
Denver General Investigations (GI) Study Plan Formulation Workshop	Omaha District	Omaha District provided CPCX with approximately \$2,150 in funding to facilitate	The team was efficiently able to come to consensus on alternatives development which allowed for timely project progression.
Saginaw River Deepening Study	Detroit District	PI Specialist from Buffalo District supported	Finalized meeting objectives, content, format and list of participants, kept 3 days of meetings on track, and assured documentation of results.  These events fostered working relationships, allowed sharing of technical assistance and data, and saved time and effort).
Dominion permit process	Norfolk District	Incurred expenditures of approximately \$1,500 in FY 2015 for facilitator services.	Better understanding of issues and working relationships (noticeable improvement from previous un-facilitated meetings).

Climate change planning	Albuquerque District		Improved coordination and communication with Tribes, sponsors, stakeholders and partners at all levels of government; improved access to information assists with timely progression of Albuquerque District Civil Works projects and furtherance of USACE mission; improved awareness of climate change impacts among regional governments and potential project sponsors; perception of USACE as a leader in this area; and improved within-Albuquerque District coordination around climate change at the project level.
Silver Jackets partnering meetings	Louisville District		Identified future work opportunities in Flood Risk Management and Eco Restoration; strengthened relationships with state and local gov'ts and Congressional representatives.
Chicago DMMP & DuPage Watershed Flood Risk Management Study	Chicago District		Increased trust and understanding between USACE and stakeholder groups, as well as improved public understanding of the relationship between agencies and organizations.
Prado Dam Mural effort	Los Angeles District		Reduced media criticism and reduced public backlash.
Santa Ana River Mainstem Project	Los Angeles District		Improved working relationship with stakeholders and timely project progress.
Whittier Narrow Dam Modification Study	Los Angeles District		Using the draft Public Involvement/Communication plan has helped the project team move forward and meet project requirements as well as identify necessary future steps to reduce flood risk for the million people at risk.

**2b) (b)** In addition to those listed in the table, the field identified several general benefits of ECCR (not attributed to a specific project):

- Provides insights into the decision making process which enables the agency to plan for providing the required information, and involving the right people in the collaboration process. (Louisville District)
- Coordination of resources; open lines of communication; assisting initiatives.
- More resilient ecosystem restoration projects.
- Clearing policy hurdles and meeting planning process requirements. (South Pacific Division)
- Increased trust and enhanced relationships with stakeholders, including a common understanding of USACE and stakeholder authorities, policies, roles and responsibilities. (Louisville District; Chicago District)
- Increases community resilience by contributing to proactive planning to reduce the risk of environmental conflicts and socio-economic consequences. (Tulsa District)
- Awareness of information and resources from various agencies that can assist with collaboration and project implementation. This results in a reduction in duplication of effort and the ability to combine scarce resources. (Louisville District)
- The investments in developing collaborative capacity that have propagated over time are producing many tangible results, perhaps none more important than a shift in the culture. For example, instead of doing 2/3 of the planning science and engineering work to solve a particular water resource problem, then engaging the sponsor, other stakeholder organizations and the public at the end of the decision-making process, project teams now routinely engage the local sponsor and key stakeholder organizations from the onset of a planning study in a partnership to best manage our water resources. (Great Lakes & Ohio River Division).

c) What difficulties have you encountered in generating cost and benefit information and how do you plan to address them?

The primary challenges in tracking this information remain unresolved. These include:

- USACE financial tracking is by project, not by activity type, so tracking the ECCR-related expenses would create an additional administrative burden.
- Related to this is the fact that staff rarely invest in documenting case studies. As stated by Rock Island District, "We do a lot of collaboration and conflict resolution actions but very few are properly documented throughout the year."
- Most benefits are qualitative or intangible. Benefits such as building relationships and developing shared understanding of issues are not easy to document. Ideally, there would be a system in place to capture benefits; however, the design of this system is not obvious with such intangibles.
- Los Angeles and San Francisco Districts and ERDC also commented on the challenge of capturing indirect costs and benefits that should be included in a complete assessment. Examples of these indirect costs and benefits include

greater compliance with environmental laws and cost savings from fewer litigation or construction delays.

#### Future Tracking

- Louisville District will investigate available means to capture and maintain better quantitative data on costs and benefits resulting from collaboration.
- Norfolk District will use the degree of consensus on the mitigation measures as a proxy for the success of the third-party mediation.
- CPCX has expanded its metrics tracking tool to cover the full range of activities of those of the center and its partners.

3. **ECCR Use:** Describe the level of ECCR use within your department/agency in FY 2015 by completing the table below. [Please refer to the definition of ECCR from the OMB-CEQ memo as presented on page one of this template. An ECCR “case or project” is an instance of neutral third-party involvement to assist parties in a collaborative or conflict resolution process. In order not to double count processes, please select one category per case for decision making forums and for ECCR applications.

	Total FY 2015 ECCR Cases <sup>2</sup>	Decision making forum that was addressing the issues when ECCR was initiated:				ECCR Cases or projects completed <sup>3</sup>	ECCR Cases or Projects sponsored <sup>4</sup>	Interagency ECCR Cases and Projects		
		Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)			Federal only	Including non federal participants	
<i>Context for ECCR Applications:</i>										
Policy development	<u>  2  </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>  2  </u>	Inter-agency process	<u>    </u>	<u>    </u>	<u>  2  </u>	<u>    </u>
Planning	<u> 13 </u>	<u>10 </u>	<u>    </u>	<u>    </u>	<u>  3  </u>	Inter-agency process	<u>  6  </u>	<u>  1  </u>	<u>    </u>	<u>11 </u>
Siting and construction	<u>  1  </u>	<u>  1  </u>	<u>    </u>	<u>    </u>	<u>    </u>		<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
Rulemaking	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>		<u>    </u>	<u>    </u>	<u>    </u>	<u>    </u>
License and permit issuance	<u>  6  </u>	<u>  4  </u>	<u>  2  </u>	<u>    </u>	<u>    </u>		<u>  1  </u>	<u>  1  </u>	<u>    </u>	<u>  2  </u>
Compliance and enforcement action	<u>  3  </u>	<u>  2  </u>	<u>    </u>	<u>  1  </u>	<u>    </u>		<u>  1  </u>	<u>    </u>	<u>  1  </u>	<u>  1  </u>
Implementation/monitoring agreements	<u>  1  </u>	<u>    </u>	<u>    </u>	<u>  1  </u>	<u>    </u>		<u>    </u>	<u>    </u>	<u>    </u>	<u>  1  </u>
Other (specify): <u>  MRRIC; MRBIR; Restoration Advisory Board</u>	<u>  3  </u>	<u>    </u>	<u>    </u>	<u>    </u>	<u>  3  </u>		<u>    </u>	<u>  1  </u>	<u>    </u>	<u>  3  </u>
<b>TOTAL</b>	<b><u> 29 </u></b>	<b><u> 17 </u></b>	<b><u>  2  </u></b>	<b><u>  2  </u></b>	<b><u>  8  </u></b>		<b><u>  8  </u></b>	<b><u>  3  </u></b>	<b><u>  3  </u></b>	<b><u> 17 </u></b>
		(the sum of the Decision Making Forums should equal <b>Total FY 2015 ECCR Cases</b> )								

<sup>2</sup> An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2015.

<sup>3</sup> A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2015. 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.

#### 4. ECCR Case Example

##### Regulatory Action Regarding Aerial Electric Transmission Line

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

Norfolk District is currently reviewing a regulatory action requested by Dominion Virginia Power (Dominion) to place an aerial electric transmission line across the James River east of Jamestown Island. The line, if constructed as proposed, would be visible from several important cultural resources including Jamestown Island, Colonial Parkway and Carters Grove, a National Historic Landmark. In response to the initial public notice, comments were received from several non-governmental organizations that were concerned that these resources would be substantially and adversely affected by the proposed work. To advance the required analysis, avoid conflict, and seek collaboration these groups (over 20) were invited to become consulting parties in the National Historic Preservation Act (NHPA) Section 106 process.

Summary of how the problem or conflict was addressed using ECCR, including details of any innovative approaches to ECCR, and how the principles for engagement in ECCR outlined in the policy memo were used

Norfolk District has held 3 in-person meetings, and one field trip, to date, with groups concerned with the Dominion permit process to better understand the requirements driving the proposed project and to identify and discuss potentially impacted resources and possible methods for mitigating or resolving adverse effects. Norfolk District anticipates continuing to share information with the groups within the NHPA Section 106 consultation process. A third-party facilitated meeting held at the end of the FY, was designed to foster better understanding of the various positions and processes by a diverse stakeholder group.

Identify the key beneficial outcomes of this case, including references to likely alternative decision making forums and how the outcomes differed as a result of ECCR

The major outcomes of the third-party facilitated meeting at the end of the FY were 1) a mutual understanding of the Regulatory review process as it pertains to Section 106 of the National Historic Preservation Act, 2) Clarity on remaining questions regarding the effects on cultural resources resulting from the alternative before USACE and 3) initiation of discussion regarding potential mitigation to address those effects, so that the USACE can make an informed decision about regarding Public Interest. This facilitation services were well received by all and certainly helped move the process forward. There is still work to be done and we are considering a second facilitated session.

Reflections on the lessons learned from the use of ECCR

Involvement is required as part of USACE responsibilities pursuant to NHPA Section 106. However, there seemed to be a lack of cooperation stemming from a misunderstanding of the process and positions. The goal in enlisting the facilitator was to try to clear the understanding and move forward in a productive and cooperative way. The process allowed Norfolk District to communicate with other groups the requirements USACE is required to work within for the proposed project. By inviting stakeholders to engage in the process, USACE better understands the interests of the various stakeholders. The effort has also fostered better relationships with stakeholders which has allowed the process to move forward in ways it otherwise may not have been able.

**5. Other ECCR Notable Cases:** Briefly describe any other notable ECCR cases in the past fiscal year. (Optional)

The majority of this year's notable achievements in ECCR involve organizations and individuals within USACE serving as a third-party neutral facilitator. Some USACE Divisions reported no use of ECCR 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. These Divisions cite as their notable achievements (1) more consistent and early coordination across projects on identification and consideration of environmental issues and (2) 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 4, below is a list of this year's notable ECCR achievements as reported from across USACE:

**CPCX and USIECR joint support to St. Paul District Regulatory Branch for Tribal Consultation Projects**

St. Paul District's Regulatory branch approached CPCX and USIECR for direct support in assisting them with developing programmatic consultation strategies for the more than 23 Tribal Nations they work with in Minnesota and Wisconsin. Specifically, St. Paul District Regulatory sought facilitation and conflict resolution strategies for working with Tribes on contentious and challenging projects involving oil pipeline permitting, identification and protection of tribal historic properties, and hard rock mining projects that impact Tribal lands. CPCX direct support to St. Paul District began in April 2015 by assessing the District's needs for collaboration and conflict resolution with specific tribes. In July 2015, CPCX facilitated three direct consultation meetings with Minnesota tribes regarding the permitting process for the proposed Enbridge Corporation Sandpiper Pipeline in ND and MN. The facilitated meetings helped to clarify the USACE Regulatory process for these tribes and also provided St. Paul District Regulatory with the critical concerns and interests of these three Tribes. Tribes noted that it was beneficial to have a facilitator that could play an impartial role to keep the meetings on task and capture their needs. These meetings also provided key information for St. Paul District to plan a larger meeting in FY16 on the Sandpiper Pipeline with all interested Tribes in MN, WI, and ND.

To ensure long-term support for the consultation needs of St. Paul Regulatory Branch, and to better meet the best needs of the Tribes, CPCX developed an MOA with USIECR to support USACE activities that require external third-party facilitation and conflict resolution support. CPCX is currently serving as a liaison between USIECR and St. Paul District to identify third-party contractors as needed to conduct situation assessments, facilitation, and mediation for specific projects with MVP and Tribes in the region. USIECR is currently working with one contractor to interview over 20 tribes and develop a report on what the Tribes need for effective communication and consultation by St. Paul District Regulatory.

### **Nashville District Regulatory Permit Application Process**

In the Nashville District, a permit application was submitted for a proposed gravel mining site that impacted a family cemetery. Nashville District felt it was beneficial to bring in a neutral facilitator from ERDC for a discussion between representatives from USACE, the permit applicant, descendants associated with the cemetery, the local historical society and the State Historic Preservation Officer. Attendees presented their issues and concerns and USACE representatives presented the next steps in the permit process. All parties identified and discussed potential mitigation options. The process enabled the presentation and documentation of all the issues and concerns as well as increased the permit applicant's awareness of additional requirements. In response to the facilitated process, additional site studies were undertaken to answer outstanding questions identified. The facilitated meeting helped the project move forward and ensured that everyone who wanted to speak was heard respectfully by all parties. The facilitation of a regulatory permit application process served as a reminder that the simple process of bringing parties with diverse viewpoints together in a safe, respectful environment can help diffuse tension and misunderstandings and enable a path forward.

### **Successful Negotiation of Consent Decree**

USACE's Great Lakes and Rivers Division reports on a CERCLA Section 107 action where mediation began in early 2014 after unsuccessful unassisted negotiations and ensuing litigation between the Department of Interior and Illinois Tool Works over costs related to cleanup of environmental contamination. The company had filed counterclaims against the United States (DOI and the Army) for their ongoing and former activities at the site.

After mediation was ended because the third party felt that no additional progress could be made, the parties continued in unassisted discussions until an agreement was reached. Through these efforts, a written agreement (Consent Decree) was submitted to the court and approved in August 2015. The successful negotiation of a Consent Decree avoided a lengthy litigation that would have been much more costly than the mediation.

The process emphasized the importance of finding a third-party facilitator who has the appropriate skillset and knowledge base to understand the complicated nature of the issues being mediated, in this case environmental liability issues.

### **The Missouri River Recovery Management Plan and Environmental Impact Statement (EIS)**

The Missouri River Recovery Management Plan and Environmental Impact Statement is a comprehensive planning effort coordinating Endangered Species Act requirements for the Missouri River under one decision document. It is a collaborative effort between the Omaha and Kansas City Districts, the USFWS and the Missouri River Recovery Implementation Committee (MRRIC). MRRIC is a multi-party committee consisting of stakeholders, Tribes, and State and Federal agency representatives charged with providing consensus-based guidance and recommendations to USACE on issues related to the Missouri River Recovery Program (MRRP). Two independent panels are associated with MRRIC: the Independent Science Advisory Panel (ISAP) reviews the scientific

information and products generated by the lead agency teams and the Independent Socioeconomic Technical Review panel (ISETR) reviews the socioeconomic aspects of the effort.

In 2011, the MRRIC ISAP issued a report with several key recommended actions aimed at incorporating new scientific information about the pallid sturgeon, least tern, and piping plover into the MRRP decision process. USACE and USFWS adopted the ISAP recommendations and established an independent team of external scientists to conduct the effects analysis. MRRIC members and the ISAP vetted bios and resumes for the scientists.

The independence of this group of scientists greatly added to stakeholder acceptance of the results of the effects analysis. Additionally, involvement and review of effects analysis products from the ISAP further added to the credibility of results. Independence of the science team provided a solid foundation for the rest of this effort. The transparent building of species' conceptual ecological models and quantitative models and detailed review of interim reports by an independent science panel also increased the trust in the science and has allowed the team to use it as a credible basis for the development of alternatives to be analyzed in the Draft EIS. The merits of the science, models, metrics, and management actions are not as highly disputed even if there eventually are policy-related reasons for disagreeing with a course of action.

Immediate beneficial outcomes are evident by the number of MRRIC members that continue to participate in the ongoing process even though unpopular options such as flow-based creation of sandbars for birds and recruitment flows for pallid sturgeon are being examined as part of the Draft EIS alternatives.

### **Missouri River Recovery Management Plan (MRRP)**

The Missouri River Recovery Management Plan, as mentioned in the previous example, is a large comprehensive study that will provide a management plan that coordinates Biological Opinion requirements for the Missouri River under one decision document.

To facilitate MRRIC's understanding of the study process, a third-party neutral "coach" was hired to assist the MRRIC members understand the structured decision making process known as ProACT (Problems, Objectives, Alternatives, Consequences, Tradeoffs). The coach helped the more than 70 MRRIC members shape the Human Considerations objectives and metrics that will be used to evaluate proposed plan alternatives when they are fully developed. Discussions in a Human Considerations Ad Hoc Group helped to develop and refine proxy metrics for members' interests and to provide feedback on the ways in which proposed management actions may affect these interests. Additionally, on MRRIC's behalf, the Ad Hoc Group has worked with an Independent Social Economic Technical Review panel to get the panel's feedback on the ProACT process, the development of the Missouri River Recovery Management Plan, and the development of the Adaptive Management governance process.

Neutral facilitation for these large groups with varied stakeholder concerns provided a number of benefits: 1) Ensured public or entity (MRRIC) has an open

forum for discussing concerns. 2) Enabled technical agency personnel to focus on their skill set (economics, engineering etc.) without the worry of becoming polished at meeting facilitation. 3) Provided resources that can assist if a meeting deteriorates or gets off course, utilizing people trained in facilitation, conflict resolution and structured decision making.

### **Reaching Agreement on Hatchery Management**

In Portland District, federal and state agencies have been unable to reach agreement on specifics of how to manage a hatchery, knowing that management has negative impacts on ESA-listed species. One of the federal agencies involved paid for the third-party neutral which kept the group moving forward by scheduling meetings and increasing accountability through regular note-taking. The process of stepping back and taking the time to talk things through helped the group reach understanding and builds relationships. The six months of using a third party moved the group forward more than three years of doing it on their own, improved interagency relations, and created a higher level of trust.

### **Big Blue and Kansas Rivers' Confluence Actions for Flood Risk Management**

The Big Blue River interagency flood risk management public involvement project continued from FY14 into FY15. Technical experts from USACE, the City of Manhattan, Kansas and Riley and Potawattamie counties worked together to develop a Floodplain Management Plan with strong community involvement throughout the process in the form of a public action working group and public meetings. USACE provided technical and facilitative leadership in this interagency effort. USACE's CPCX facilitated meetings in January 2015 to complete their involvement in the Floodplain Management Plan effort. Facilitation was instrumental in ensuring successful collaboration and conflict prevention during this process.

### **Missouri River Basin Interagency Roundtable (MRBIR)**

MRBIR was established as a forum for federal agencies advocating a collaborative approach to solving issues within the Missouri River watershed. Members of MRBIR, including USACE's Northwestern Division, seek opportunities for collaboration, coordination, and communication among the federal agencies to facilitate more comprehensive interagency efforts that would normally be beyond the scope of just one of the agencies. MRBIR is facilitated by a third-party neutral (USIECR), rotates the Chairperson among the federal agency members, holds monthly conference calls, and meets in person twice yearly. In addition, it has formed working groups to address various topics including climate change, tribal relations, sediment transport, ecosystem function, and the Missouri River Recovery Implementation Committee (MRRIC).

### **Santa Ana River Mainstem Mitigation Project**

For the Santa Ana River Mainstem Mitigation project, an active and vocal equestrian community several years ago fiercely opposed removal of exotic vegetation (*arundo donax*), which they enjoyed. Through past facilitated public meetings, they've since learned that their beloved *arundo* was detrimental to the river's health and reduced the region's water supply. As a result of the facilitated discussions, their opposition to the project has subsided, but ongoing *arundo*

removal efforts have kept the equestrian community wary of USACE intentions. To address this wariness, a public meeting was held to revisit the project intentions in coordination with and equestrian usage. By facilitating these engagements, passionate participants were able to contribute their views in a constructive manner. By helping map opportunities and constraints they contributed to project design. The third-party facilitation enabled the critical mitigation efforts for a \$2 billion flood risk management project to move forward.

### **Regional Sediment Management Program on the Illinois River**

Since 2012, the USACE's Rock Island District received funding through the Regional Sediment Management Program to study sedimentation issues at the confluence of the Illinois and Sangamon Rivers upstream of Beardstown, IL. Frequent dredging downstream of the confluence is required to maintain the federally mandated 9-foot navigation channel, and sedimentation is the primary pollutant in the Illinois River.

In July, thirty attendees from multiple interests groups and agencies participated in a Conceptual Modeling Workshop to explore and investigate the source, reduction, and uses of sediment that could substantially benefit the Navigation, reduce flood risk and address ecosystem issues. A follow-on town hall in August included over 50 citizens from the local area and presented the results from the workshop. Questions centered around the Beardstown Marina, which has been cut off from the Illinois River for several years due to sedimentation.

Building relationships with local stakeholders has been a key benefit from the work on this project as using ECCR concepts has allowed federal, state, and local governments to improve communication and collaboration among themselves and with stakeholders. Leveraging of limited funds is another result of the improved collaboration.

### **West Maui Watershed Study**

USACE's Honolulu District is applying a Shared Vision Planning methodology to develop the West Maui Watershed Plan. Shared Vision Planning is a collaborative planning approach that focuses on involving stakeholders in the technical analysis to solve water resources problems. In FY15, USACE held a workshop with partner agencies, non-Federal sponsors, community representatives, and stakeholders to review objectives and criteria and to begin the formulation of alternatives and the development of a conceptual model of the watershed; Work will continue in FY16 in close coordination with the University of Hawaii with multiple workshops with both the state and federal funding agency support team (FAST) and with the West Maui Working group. Interactions, guided by a third-party Shared Vision Planning coach, will focus on quantitative linkages between potential alternatives and community objectives.

### **Oklahoma Silver Jackets Pilot**

The focus of the Oklahoma Silver Jackets pilot studies is an interagency collaborative flood risk management approach to problem solving that includes environmental and socio-economic challenges associated with the Tulsa and West Tulsa Levee systems along the Arkansas River. Collectively, the levee

systems reduce the risk of flooding to approximately 9,000 people. These levees are considered to be “high risk” due to both their condition and consequences if a breach occurred during a flood event. In FY15 the South West Division Public Involvement Specialist acted as a third-party facilitator for a stakeholder group that met monthly to discuss issues associated with the Tulsa-West Tulsa Levees. The stakeholder group consisted of USACE staff, other Federal, State, local governments, and the local levee sponsor. Facilitation of this group increased understanding of levee risk, shared responsibility including the role of each stakeholder in reducing risk, and knowledge of existing Federal programs and authorities that can assist with local risk reduction efforts. This group was responsible for increasing awareness of the levees and their issues within the city council and the mayor's office, which has resulted in a push to receive funding for levee repairs through local taxes and bonds.

### **SMART Planning Charrettes**

In the past year, District planners have been engaged as advisors and facilitators of several SMART Planning charrettes for several Divisions. These charrettes have resulted in development and strengthening of relationships with sponsors and stakeholders, state and Federal resource agency representatives, and USACE vertical team members at all levels. For example, Sacramento District facilitated charrettes for projects or studies such as: Yuba River Ecosystem Restoration Study (Sacramento District), Saginaw River Deepening Project (Great Lakes and Ohio River Division), Dry Creek Ecosystem Restoration Study (San Francisco District), Mobile Harbor Deepening (Mobile District), and Sacramento River Bank GRR (Sacramento District).

### **Top-Width Widening (TWW) projects along the Missouri River**

Collaboration between USACE and Natural Resources Conservation Service (NRCS) are starting to yield significant results in Endangered Species Act (ESA) compliance and overall Missouri River habitat restoration Missouri River for a process known as "top width widening". To create shallow water habitat along the Missouri River for the endangered pallid sturgeon, USACE purchased property that had previously been enrolled in NRCS easements. USACE's plans for "top width widening" to create more habitat are incompatible with NRCS easement policy, and USACE regulations do not allow USACE to accommodate easement modification requirements for land replacement. USACE is currently seeking means by which the easement modification process can be accommodated. As a federal agency, there are multiple legal and real estate impediments in working through NRCS's easement modification process that will require HQUSACE engagement and exploration of non-standard practices. Plans for 2016 include continued coordination on a proposed TWW project at Copeland Bend (Fremont County, IA), engagement with NRCS Headquarters Easement Program Management to further discuss the issue, and hopefully issue resolution.

### **Legal Mediation in the Districts**

Districts have made it their objective to train their legal staff on effective conflict resolution techniques so that when Districts are involved in mediation processes, the ECCR process is highly effective. Examples of cases involving the use of collaborative processes and negotiation over environmental issues

include: 1) The Indy North Flood Control Project mediation with representatives from the City of Indianapolis, Indiana Department of Natural Resources, and the Friends of the White River, addressed litigation filed in objection to an issued environmental permit and mitigation requirements based on environmental impacts such as proposed tree clearing. 2) INAAP landfill real estate disposal which addressed the realty disposal of a landfill from the Army to a local land reuse authority. This real estate action included drafting specific environmental deed language and meeting with representatives of Congress, the Indiana Department of Environmental Management and local public servants. 3) Crab Orchard FUDS PRP matter which involves conflict resolution on the environmental restoration of a 22,000-acre former ordnance plant in Illinois that is currently a portion of the 43,500-acre Crab Orchard National Wildlife Refuge. This includes mediation, settlement negotiations, and ADR with representatives from DOJ, DOI, US EPA, Illinois EPA, and many private PRPs (private industry site operators and owners).

### **North Atlantic Coast Comprehensive Study (NACCS)**

Completed in January 2015, the North Atlantic Coast Comprehensive Study, a strongly collaborative effort focused on the management of coastal storm risk, was prepared in response to the Sandy Disaster Relief Appropriation of 2013. Ongoing implementation of NACCS findings and outcomes is building on the partnerships strengthened by the whole of government response to Hurricane Sandy. Opportunities for ongoing collaboration include technical exchanges and the Chesapeake Bay Executive Order and Bay Agreement Resilience Goal. Focus Area Investigations for vulnerable coastal areas will require additional collaboration as coastal communities prepare for climate and sea level change.

### **Oklahoma Water Resources Board Advisory Council**

In accordance with the Water for 2060 Act, the Oklahoma Water Resources Board (OWRB) facilitated the creation of a fifteen-member advisory council in 2013. The Council is chaired by the OWRB Executive Director, and is comprised of fourteen members appointed by the Governor, Speaker of the House and President Pro Tempore of the Senate. The 15 members were tasked with studying and recommending appropriate water conservation practices, incentives, and educational programs to moderate statewide water usage while preserving Oklahoma's population growth and economic development goals. Through the USACE Planning Assistance to States Program, USACE-Tulsa District collaborated with OWRB staff to utilize private sector SME's and develop scopes of work for activities over several years that provided unbiased third-party neutral technical assistance to the Advisory Council members. The following is a framework of technical support that was provided for the Advisory Council beginning in 2013 through FY15:

1. Facilitation of meetings and workshops to provide pertinent information to Council members
2. Presentation of conservation findings from the OCWP primarily focusing on the state's largest water use sectors.
3. Presentation of information on opportunities for water efficiency as well as constraints and obstacles
4. Development of a Water for 2060 Background Report

The collective efforts of technical and facilitator support provided through the USACE PAS Program along with input from other various SME's enabled the

Advisory Council to develop 12 key recommendations that are prioritized for each major group of water users: 1) All Water Sectors, 2) Public Water Supply, 3) Crop Irrigation, and 4) Energy and Industry.

The recommendations are contained in a Oklahoma Water for 206t0 Advisory Council report that was essentially completed in FY2015 (The final report was submitted to the Oklahoma Governor, Speaker of the House, Senate Pro Tempore, members of the Legislature, on 6 October 2015. The report is also available to the public at <https://www.owrb.ok.gov/supply/conservation.php#council>)

## 6. Priority Uses of ECCR:

Please describe your agency's efforts to address priority or emerging areas of conflict and cross-cutting challenges either individually or in coordination with other agencies. For example, consider the following areas: NEPA, ESA, CERCLA, energy development, energy transmission, CWA 404 permitting, tribal consultation, environmental justice, management of ocean resources, infrastructure development, National Historic Preservation Act, other priority areas.

USACE Divisions are reporting early collaboration in their project planning and implementation processes thus often negating the need for a third-party neutral and increasing the flow of communication between collaborating entities. Some priority areas are more challenging than others and in these collaborative efforts a third-party neutral is sometimes employed. Priority uses of ECCR often entail multi-party groups focused on multiple cross-cutting issues rather than one individual issue. The following topics are the areas in which USACE Divisions identified as priority or emerging areas of conflict where collaboration and/or ECCR were employed:

### **Water Security**

Water security continues to be a focus for USACE nationally and globally. ERDC's Geospatial Research Lab has been leading efforts such as the National Geospatial Intelligence Agency's "Innovision Water Security Team" in order to create tools like GEONarrative that provide decision making support for predicting where conflicts might arise due to environmental stressors such as flood or drought. ERDC has also worked with the Office of the Secretary of Defense's Strategic Multi-layer Assessment Office's AFRICOM Table Top Exercise and Water Security research collaboration with the Defense Intelligence Agency/Director of National Intelligence Africa Regional Expertise and Culture Team to discuss moving forward in the field of researching and assessing water security issues. Additional information concerning this work may be found in a webinar PPT, transcript and video posted in our webinar archives for 19 August 2015 at:

<http://corpslakes.usace.army.mil/employees/facilitator/exchange.cfm?Option=ArchiveSchedule&CoP=facilitator>

### **Statutory Requirements & Federal Law**

Many of the priority uses of ECCR occur because of statutory requirements such as NEPA and ESA. Often times, USACE Divisions consult with the state and Federal

entities with relevant expertise regarding threatened and endangered species, sediment and water quality issues, timing of projects and a host of other scientific and available technical tools and models to address issues of concern.

Threatened and endangered species has been the impetus for many interagency, collaborative processes in USACE. Within these collaborative processes, USACE proposed actions may be reviewed, discussed, and vetted with other agency experts while sharing other relevant information. Districts also report initiating dialogue with state and Federal agencies prior to formal coordination, when proposed actions may affect listed species.

Interagency efforts, such as the effort between USACE and Natural Resources Conservation Service (NRCS) on the Missouri River to restore habitat for rare and declining native species (explained in further detail in Question 5), is one of many efforts that USACE is engaging in ECCR methods to accommodate multiple agencies' goals. Nashville District's coordination with USFWS on a programmatic Biological Assessments for operations & maintenance activities to streamline review for routine activities that have little to no potential to adversely affect endangered bats is another example of USACE's prioritization of resolving issues around threatened and endangered species. This highly collaborative process helps avoid formal ECCR.

#### **Native American Cultural Sites**

In FY15, USACE conducted extensive coordination with several Tribes regarding the protection of cultural resources. Often times collaboration with Tribes results in decisions about the long term management of the property. In USACE's Huntington (WV) District extensive coordination with Indian tribes such as the Absentee-Shawnee Tribe of Indians of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, or the Shawnee Tribe, occurred when the District repatriated ancestral remains at Marmet Locks and Dam during a reburial ceremony in 2015 following their excavation during the 2001 construction of the Marmet Locks Replacement Project.

Vicksburg District similarly currently owns and manages the highly significant Rolling Fork Mounds site, which is listed on the National Register of Historic places. The Rolling Fork site includes both a Native American Period village dating to the 1400s. The District currently partners with the Choctaw Nation of Oklahoma and the Mississippi Band of Choctaw to effectively manage the site's significant cultural resources. Recently, USACE reached out to the Mississippi Department of Archives and History, and the local public, to communicate that any old human remains or grave goods that had been previously looted from the site could be returned for reburial. To date, two reburials of previously looted human remains and grave goods have been reburied at the site. Each reburial was a solemn ceremony, led by a Choctaw Nation minister and included Vicksburg District Commander, several department Chief's, and staff. The last reburial ceremony included the Chief and Assistant Chief of the Choctaw Nation, who flew to Mississippi from Oklahoma for the ceremony.

These are just two examples where USACE has coordinated with tribes to meet both governments' interests.

#### **Climate Change**

Ongoing engagement, information sharing, and resource sharing are being conducted to assist in developing climate change resilience in the nation's watersheds. These

efforts are supported by staff, such as the Albuquerque District's Climate Science Specialist who serves on all Albuquerque District's Civil Works project teams. The result has been increased communication among team members on the issue of climate change and its likely impacts on projects. The District's Climate Science Specialist also has actively engaged with other agencies and the public on the issue of Southwestern U.S. climate change impacts to regional hydrology during FY15. USACE also established a Climate Preparedness and Resilience Community of Practice to share information, build capacity, and improve networking between District, Division, lab, center, and Headquarters staff on issues related to climate change.

### **National Historic Preservation Act**

The National Historic Preservation Act has also acted as a catalyst for bringing USACE and other stakeholder groups together to agree on ways in which to preserve cultural resources that may have otherwise been harmed through USACE actions. In the case of Albuquerque District, a programmatic agreement is being developed in order to establish an expedited process for compliance with Section 106 of the National Historic Preservation Act. The programmatic agreement will establish procedures for determining actions that are exempt from Section 106 consultation and for completing consultation with the State Historic Preservation Offices in Colorado and New Mexico, as well as all 38 Native American tribes that claim affiliation to our District. The agreement will reduce the likelihood of conflicts emerging by proactively agreeing to an established set of procedures rather than reactively handling individual consultations as they arise. The agreement will also facilitate internal communication and reduce the likelihood of conflict within the District.

Meanwhile, as shown in Question 4, Norfolk District is currently reviewing a regulatory action requested by Dominion Virginia Power (Dominion) to place an aerial electric transmission line across the James River east of Jamestown Island. To advance the required analysis under the National Historic Preservation Act, avoid conflict, and seek collaboration these groups (over 20) were invited to become consulting parties in the National Historic Preservation Act Section 106 process.

### **Instream Flows**

A proactive and collaborative approach to managing instream flows can reduce the risk of environmental conflicts. USACE has multiple programs that can address instream flows associated with state water planning and/or aquatic ecosystem restoration. The following provides an example of how a collaborative process can be used to help watersheds consider the appropriated instream flows for upstream and downstream of USACE reservoirs:

- The USACE Planning Assistance to States (PAS) program is being utilized to provide technical and facilitation support to Oklahoma Water Resources Board (OWRB) in the implementation of Oklahoma Comprehensive Water Plan (OCWP) recommendations associated with "Instream Flows" which is one of the "Big 8" priority recommendations in the OCWP. There is no formal instream flow program in place now. Therefore, the OCWP set out a collaborative process to determine whether or not to adopt an instream flow program in Oklahoma, and if so how the program should be structured. As a result of a series of facilitated meetings and workshops an instream flow incremental methodology (IFIM) is being used for a pilot study on the upper Illinois River in eastern Oklahoma.

- USACE, Southwestern Power Administration, and the Oklahoma Department of Wildlife Conservation (ODWC) collaborated and leveraged their technical and financial resources to address the problems. As a result of this multi-agency effort, a two-part mechanical solution was developed to prevent further fish kills below the dam. The system includes a low-flow pipe that can control the timing and amount of water released downstream of the dam. In FY15 efforts were initiated to identify potential ways to provide for a dependable source of water for instream flows between hydropower releases

**7. Non-Third-Party-assisted Collaboration Processes:** Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2015 to anticipate, prevent, better manage, or resolve environmental issues and conflicts that do not include a third-party neutral. *Examples may include interagency MOUs, enhanced public engagement, and structural committees with the capacity to resolve disputes, etc.*

To resolve issues before they become significant conflicts, USACE *proactively* addresses environmental issues associated with potentially controversial USACE programs and projects. Across all Civil Works programs and missions, USACE works to promote a positive and collaborative working relationship with its agency and stakeholder partners and benefits from the resulting positive relationships.

Below we report on some of the significant uses of non-third-party-assisted environmental collaboration and conflict resolution by dividing the responses into four areas:

- Formal/institutionalized Working Groups or Agreements
- Business Processes and Culture;
- Communication Tools; and
- Scientific/Technical Consensus Building Tools.

#### **Formal/institutionalized Working Groups or Agreements**

- Across the country, USACE Districts reported on the successes of state-led interagency Silver Jackets teams to advance collaborative problem solving related to flood risk management (see Question 1 for more information). For example, in FY15, the Oklahoma team worked with communities and FEMA using ECCR methods to resolve flood plain mapping issues. The New Mexico team developed an “After a Wildfire: Guide to New Mexico Communities,” which provides critical wildfire and flood risk response and recovery information to communities and Tribes. The California and Nevada teams developed “Communicating Flood Risk” videos and a “Dam Safety Outreach” workshop. The Iowa Silver Jackets team investigated the risk of flooding in three communities (Hamburg, Rock Valley, and Rock Rapids) by developing an inventory of at-risk structures, setting the stage for additional public risk communication.
- USACE is an active member of the California Coastal Sediment Management Workgroup (CSMW) whose mission is to facilitate regional approaches to protecting, enhancing, and restoring California's coastal beaches and watersheds through federal, state, and local cooperative efforts. The California Coastal Sediment Management Master Plan is a central part of CSMW's mission and is an ongoing, collaborative effort by CSMW to evaluate California's coastal sediment management needs and to promote regional, system-wide solutions.
- 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. Led by the Flood Risk Management Program Manager and a dedicated Bay-Delta watershed specialist, USACE is one of six federal

agencies participating in the Federal Leadership Committee under the California Bay-Delta Memorandum of Understanding.

- Since its establishment through a 1998 MOU, USACE's San Francisco District has hosted the Dredged Material Management Office - an interagency group comprised of federal, state and local partners that is responsible for determining the suitability of dredged material to be disposed of (or placed in) the San Francisco Bay area.
- USACE participates in the Tennessee Environmental Streamlining Agreement, a programmatic inter-agency agreement led by the Federal Highway Administration and Tennessee Department of Transportation that employs formal conflict resolution to streamline/coordinate environmental reviews of federally-funded transportation projects.
- As a member of the Public Agency Council of the Jamaica Bay Science and Resilience Institute, New York District coordinates resiliency investments within Jamaica Bay and solicits stakeholder input for multiple related activities.
- At both the Executive and working level, USACE's Omaha District participates in the Bakken Federal Executive Group, a group established to (a) improve communication and coordination among federal agencies to share expertise and information necessary to support timely decisions regarding oil and gas resources in the Bakken Formation and Williston Basin in North Dakota, and (b) acquire, synthesize and share science-based information to address priority information needs to maintain environmental quality and improve timeliness of regulatory decisions.
- Similarly, Alaska District participates in the Statement of Cooperation Executive Steering Committee and Working Group along with several other DoD agencies, other federal agencies and the State of Alaska with the goals of protecting Alaska's human health and the environment, and working to cooperatively address and resolve environmental issues throughout the state of Alaska.
- The Los Angeles, Sacramento and Albuquerque Districts, along with the South Pacific Division and HQ-USACE, have been conducting regular partnering meetings with Navajo Nation leaders. Several potential methods to improve the partnership have been discussed, including a regional MOU with the Navajo Nation, the Bureau of Indian Affairs and/or the Environmental Protection Agency. Future discussions with the Tribal Nations Technical Center of Expertise could highlight other potential areas of cooperation, capacity building, expertise sharing, business process improvement, etc. Such actions could apply to other tribes in the region and would improve the ability of USACE to deliver projects to the Navajo Nation and improve relations among all the agencies involved.
- USACE participates in the Urban Waters Federal Partnership with other federal agencies for the Los Angeles River to ensure cross-coordination across different plans and projects to meet region's goals for the river.
- Los Angeles District is engaged in regional multi-agency efforts, including locally-led Integrated Regional Water Management Plan efforts throughout southern California, and the Rivers and Mountains Conservancy efforts. Through its involvement with the Southern California Wetlands Recovery Project the District's Regulatory Office co-leads the interagency review team in developing an area-wide in-lieu fee program to restore wetlands, quantify the ecological lift, and ultimately sell credits to permittees within the area.

- The Los Angeles District Regulatory office helped establish an Executive Working Group with California's Department of Transportation (Caltrans) to support a recently executed 5-year funding agreement/MOA. The Executive Working Group will also identify and prioritize non-compliance cases for resolution, identify training opportunities to increase awareness among Caltrans staff and leadership, and explore programmatic initiatives to assist Caltrans with their ongoing permit requirements.
- Los Angeles District reported 21 active agreements under an authority to accept funds from non-federal public entities for the purpose of hiring additional staff to expedite permit application reviews for those non-federal agencies. In addition to expediting reviews, this funding allows a dedicated USACE employee to build relationships at the funding agencies by learning that agency's culture, processes, constraints, and opportunities. This in turn will enable both agencies to better accomplish their missions.
- Since the signing of a 2002 MOU, USACE's Albuquerque District has been an active participant in interagency efforts to manage environmental conflict and to collaborate on sustainable solutions in the Middle Rio Grande in New Mexico. The Middle Rio Grande Endangered Species Collaborative Program is a multi-stakeholder partnership to restore habitat for endangered species while simultaneously protecting existing and future regional water uses. Specific recent related actions include:
  - USACE support to the development of Program Guidance that defines the potential suite of management actions to which adaptive management could be applied as well as updates to the program-wide adaptive management plan.
  - Support for the Minnow Action team, that investigate ways to manage river flow to better support minnow survival and reproduction, to create refugia for minnow during periods of low water, and to conduct minnow rescue/salvage operations.
- For the last 10+ years Sacramento District's Planning, Regulatory, Emergency Management and Operations offices have participated in the Interagency Flood Management Collaborative Program. The focus of the group is to facilitate communication between USACE, California Department of Water Resources, local reclamation districts, and various Federal and state natural resource and/or permitting agencies on Flood Risk Management along the Sacramento River and its tributaries.
- To advance multi-organization cooperation, the Kansas Water Office has initiated a state-led effort similar to the collaborative process underway by the Western States Water Council and the Western States Federal Agency Support Team (WestFAST), a collaboration between 12 Federal agencies with water management responsibilities in the West. Since January 2011, Kansas and USACE have continued a pilot to embed a USACE employee part-time in the Kansas Water Office. In recent years Kansas City District has provided the liaison with Tulsa District providing subject matter expert support.
- Other MOU/As: The Albuquerque District signed a Regional MOU with the Nature Conservancy (TNC) to protect the Rio Grande Watershed from wildfire and to restore it. Nashville District reports participation in the Regional MOU among TNC and USACE's Great Lakes and Ohio River Division. USACE's Nashville District is an active participant in the 2011 MOU and Tennessee Strategic Mollusk Plan. San Francisco District uses the Shoreline Study's

Interagency MOU with the USFWS to clear policy hurdles and to meet planning process requirements on Refuge Lands. Los Angeles District uses a MOA to fine-tune releases from Prado Dam (CA) to meet Orange County Water District's recharge capabilities, while meeting flood risk management requirements.

## **Business Processes and Culture**

USACE Districts and Divisions collaborate and partner in various ways with the public, resources agencies, stakeholders and federally-recognized Tribes on water resources projects, with a frequent focus on environmental issues. Informal ECCR tools are employed, on an as needed basis, in the development of projects and in particular during National Environmental Policy Act compliance, as well as natural resources management and mitigation planning. USACE Districts partner with state and federal agencies to expand the scientific knowledge base of the natural environment and evaluate how activities within a watershed may affect protected species. Below we outline some processes that are generally used within various aspects of USACE, including the USACE Regulatory and Navigation missions and more Planning and Watershed efforts.

### Regulatory

As USACE's Regulatory program carries out the agency's responsibilities under the Clean Water Act and the Rivers and Harbors Act, Districts and Divisions employ various business processes to coordinate and resolve substantive environmental, economic or cultural interests. Many Districts use routine meetings with federal and state agencies and the potential permit applicant to resolve issues with on-going projects and also to discuss up-coming applications. Others report success using multiple stakeholder workshops. Oftentimes, USACE enters into interagency collaborative processes to work through its regulatory issues. Examples of those processes are listed below:

- As a long-standing practice, the Philadelphia District's Regulatory Branch hosts monthly NJ Joint Permit Processing (JPP) meetings. They are typically attended by representatives of the USFWS, the National Marine Fisheries Service, the EPA, the NJ Fish and Game, and the NJ State Historic Preservation Office. If known historic sites may be impacted by a proposed plan, USACE's Cultural Resource Specialist/Tribal Liaison will also attend. Applicants present their proposed project and the agencies provide comments and/or recommendations and sometimes requiring follow-up meetings. The Philadelphia District Planning Division also presents proposed District projects to the resource agencies at these JPP meetings. These regularly scheduled meetings with environmental agencies serve to avoid costly delays to projects by seeking agency input early in the coordination process, and through collaboration, can reduce the impact of a project to natural resources while meeting the applicant's project purpose.
- District Regulatory Programs have succeeded in identifying business processes that enable them to become more efficient and to reduce conflict. To resolve conflicts in the approval of mitigation banks, USACE Districts can use the dispute resolution process (33 CFR Part 332.8(e)) established for the Interagency Review Team. USACE leads a Mitigation Banking Interagency

Review Team where agencies review proposals and assist applicants with the creation of new wetland mitigation banks and in lieu fees programs.

- Districts can also use a formal appeals process for jurisdictional determinations and Department of the Army permit decisions (33 CFR Part 331).
- St. Louis and Kansas City Districts report a joint presentation to the annual Missouri County Commissioners meeting to explain Regulatory Program requirements.
- Multiple USACE Districts (Including Jacksonville, Nashville and Mobile) rely on the use of regional or programmatic biological assessments and opinions to reduce workload and to minimize the potential for interagency conflict.
- Jacksonville District reports success with a Programmatic General Permit that gives authority to the Seminole Tribe of Florida to administer the permits on behalf of USACE to authorize the discharge of fill (up to 1.5 acres) for the minor activities.
- Sacramento District highlighted new funding arrangements with State and local agencies to provide expedited permit application review, and a Field Level Agreement with USFWS to facilitate ESA consultations.

### Planning

In conducting planning for new Civil Works projects, USACE uses webpages, social media platforms, public meetings, formal requests for comment, and regular leadership and staff-level meetings to inform, consult, involve, and collaborate with a wide variety of state, local, tribal, and non-governmental interests as well as Congressional staff. These measures are used throughout the various stages of the Planning process-reconnaissance (scoping), feasibility, design, and construction. Various presentation media are used to create a learning environment and to encourage shared dialogue among interested stakeholders and agency representatives while providing a forum to submit comments and concerns. USACE Districts initiate early dialogue, prior to formal coordination with the state and Federal agencies when proposed actions may affect listed species.

Districts across USACE have each cited examples of how they have embraced a more collaborative culture, whether through earlier and more robust stakeholder engagement, greater transparency through the release of reports and information, or other means, in order to support USACE efforts and consider stakeholders' interests.

For example:

- Pittsburgh District established Project Agreements with coal companies and the Seneca Nation of Indians and Quarterly Meetings to share data and discuss a vision for the headwaters of the Ohio River with the water quality and quantity partners of the Headwaters Resources Committee.
- Pittsburgh District also reported close coordination with FERC and power companies over environmental issues and section 408 permitting for USACE locks and dams and with a wide variety of stakeholders on large scale ecosystem restoration and watershed projects connected to the Allegheny River.
- Many other Districts have used the creation of watershed plans to create plans that reflect and balance the interests of multiple stakeholders. For instance, New England District partnered with different stakeholders (including TNC and USFWS) who helped fund the tribe's cost share for New England District's

Watershed Assessment Management Plan for the Meduxnekeag River with the Houlton Band of Maliseets in Maine.

- Baltimore District met with state officials and conducted field investigations with the watermen of the Chesapeake Bay's Tred Avon River to address project concerns and to find a way forward for project construction when concerns were raised about a pending Oyster reef restoration contract.
- Charleston District reports that significant early collaboration efforts for the Charleston Harbor Post 45 Feasibility Study paid off by allowing the study to attain study goals and obtain all required environmental clearances, approvals, and certifications within a very tight schedule.
- Sacramento District participates in many levels of the Bay Delta Conservation Plan (EcoRestore and CA WaterFix) processes where state, federal, and local agencies, and other interested 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.
- Los Angeles District reports collaboration with local and federal officials to increase water supply resilience at USACE Basin/Dam's and watersheds through the LA Basin Stormwater Conservation Study.
- Tulsa Division's proactive and collaborative development of Lake Project Master Plans updates reduce the risk of environmental conflicts by identifying environmentally sensitive areas and appropriately classifying wildlife management and recreation areas. Updates for Robert S. Kerr Lock and Dam and Tenkiller Ferry Lake were completed in FY15; additional plans will be completed in FY16.

#### Navigation

USACE Districts coordinate with federal state and local officials on operations issues for many reasons including ESA consultation for the Navigation program, water control plans, Master Plan updates, channel improvements, and invasive species issues. Coordination activities include sharing District project review/ proposed actions, status meetings, regular and ad hoc interagency meetings. As examples of this operation-based coordination:

- USACE partners with TNC on ecological flow determination at reservoir projects and rivers. Memphis District reports using ECCR for a regional approach for both Endangered Species Act compliance and to identify conservation measures.
- As part of a collaboration between USACE, DOI, and the State of Georgia, the Savannah District placed sediments excavated from a nearby navigation channel onto an eroding shoreline at the Fort Pulaski National Monument, protecting a historic structure at no additional cost to the National Park or USACE.
- During Wilmington (NC) District's update of the John H. Kerr Water Control Plan, collaboration with USFWS and TNC developed an operational change that will have long-term ecological benefits to the forested ecosystem of the Roanoke River floodplain.
- USACE leads cooperative efforts to coordinate, plan, and implement beneficial reuse of sediment in both the San Joaquin Sacramento Bay-Delta and San Francisco Bay through the Delta and San Francisco Bay Long Term Management Strategy processes.

- Chicago District's Dredged Materials Management Plan has planned for a public meeting to address environmental justice concerns that have been raised by stakeholders.

### Tribes

As part of the Federal Tribal Trust Responsibility, USACE is required to offer consultation on all projects that may affect Tribal land or cultural sites.

- Northwestern Division's Missouri River Recovery Program reports 10 individual Tribal meetings as well as four Tribal-Management Plan meetings to discuss the Management Plan/EIS. In addition to these outreach efforts, NWD staff made a concerted effort through meetings and phone calls to address a perceived lack of information in the Cultural Resource modeling.
- Albuquerque District reported 386 individual consultations with Native American tribes including 73 "Partnering Meetings" with the executive leadership of specific Tribes. Discussions during these meetings included topics ranging from strategies and status of cooperative projects to multiple conflicts over various USACE policies.

### Other Business Processes and Culture Changes

- Through Planning Assistance to States, USACE Districts can help their cost-share partners conduct collaborative processes of their own. CPCX assisted Walla Walla District conduct a stakeholder assessment in Pocatello, Idaho as part of a City / USACE cost-shared partnership on the development of a master plan for the Portneuf River corridor in eastern Idaho. The aim of the master plan is the improvement of aquatic and riparian habitat and floodplain reconnection in a manner that reflects community values, while maintaining flood risk reduction benefits and, ideally, reducing the residual flood risk. Next steps in FY16 include designing a series of workshops and public meetings based on information obtained during the stakeholder assessment.
- Rock Island District has built a Strategic Relationship and Engagement database to track engagements, capture the goals and objectives of these engagements, and determine whether the engagements were beneficial at moving USACE's mission forward. This database has helped the District share institutional knowledge about programs, projects and key stakeholders.

### **Communication Tools**

USACE communication plans outline material and means to share ongoing work and processes with the public, agencies, and stakeholders. Standard communication methods include District and project-specific websites, face-to-face and telephone meetings, fact sheets and FAQ's, presentations, press releases, posters, newspaper ads, the Federal Register, regular leadership and working level meetings, public information sessions, newsletters, videos, and social media such as Facebook, Twitter, Flickr, and Youtube. Districts have also taken it upon themselves to use these communication tools that elevate their ability to collaborate both internally and externally. Listed below are just some of the ways in which communication tools have been used to facilitate non-third-party collaboration.

- Using more traditional technology, USACE makes use of boat trips on both the Mississippi and the Missouri to discuss USACE engineering and construction practices with state leaders, stakeholders and congressional staff.
- Buffalo District sends updates to the community through electronic mailings called "News from the Corps" and uses a web-based forum called "Beyond the Headlines" to correct misinformation in the media.
- The early release of reports and, more broadly, the timing of communications, has served as a way for USACE to proactively communicate with stakeholders. For the Dredged Material Management Program and the Great Lakes and Mississippi River Interbasin Study's Brandon Road Lock and Dam projects, Chicago District releases reports for public review at the draft stage to supplement public and targeted stakeholder meetings. Detroit and Louisville District cited the timing of communications, as they proactively communicate to avoid conflicts on migratory bird issues that may arise from management at our Combined Disposal Facilities.
- Nashville District provides interactive opportunities through a web-based Q&A forum for specific projects.
- To discuss state-USACE coordination more frequently and at lower cost, the five USACE Districts that serve the state of Illinois have replaced the annual face-to-face partnering meetings with monthly stakeholder virtual workshop.
- The use of internal Communities of Practice allows sharing of lessons learned across Districts and Divisions, providing insight, techniques and tools for better collaboration and avoiding need for conflict resolution.

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

Accurate technical information is an essential element to USACE providing quality solutions for the American people; however, that information is sometime uncertain or up for debate. Hence, USACE must frequently seek consensus on technical issues to move toward solutions. Below are a few examples of non-third-party use of scientific or technical collaboration or consensus building tools.

- In the Great Lakes and Mississippi River Interbasin Study, Chicago District sponsored an "Expert Elicitation for Asian carp" to enhance the comprehensive sharing and understanding of information about the invasive species.
- As reported by Nashville District, a valuable way to exchange technical and policy information is through participation in training classes offered by other Federal agencies (e.g. USFWS, NRCS, ACHP). Districts reach out to universities, as well as internal centers of expertise (such as ERDC and IWR), to ensure that USACE uses the highest quality technical information.
- Jacksonville District reports success with a weekly and monthly "Scientist Calls" for management of Lake Okeechobee and the Everglades Water Conservation Area 3.
- As part of the Middle Rio Grande Endangered Species Collaborative Program, Albuquerque District staff are actively engaged with Tribes and water agencies in the development of a mobile-bed numeric model to understand the effects flood risk management, water supply structures, and habitat restoration projects on sediment transport and channel morphology in the Middle Rio Grande. In FY15, USACE funded improvements to a publically-available comprehensive database of reports and other data on endangered species in

the Middle Rio Grande, and expanded the map interface to enable geographic investigation of the data.

- Annual regional meetings with resources agencies and NGOs are held to discuss collaborative research and management of the Mississippi Rivers and Tributaries. These partnerships have resulted in several favorable initiatives, including design of revetments to support invertebrate and fish populations and construction of chevron river structures that provide habitat for endangered species.
- Philadelphia District cites the Dredging Operations Technical Support (DOTS) Program as a valuable tool for providing direct environmental and engineering technical support to the U.S. Army Corps of Engineers Operations and Maintenance (O&M) navigation and dredging missions. Technology transfer activities have supported diverse field needs for years and have directly benefited O&M dredging operations throughout the United States.
- In California and the Great Lakes, USACE is collaborating with state and local agencies to develop and implement Regional Sediment Management plans along the coast to help local managers make science-based decisions in resolving issues and disputes arising from regional coastal erosion-related impacts and needs.
- CPCX in partnership with Fort Worth District, the San Antonio River Authority, National Drought Mitigation Center, USGS, and National Integrated Drought Information System, conducted a Multi-Hazard Tournament in the San Antonio River Basin. The tournament used data and expert opinion on impacts from taking risk reduction measures and basin hydrology to help basin stakeholders, water managers, and decision makers explore options for ways to reduce their risk from drought, flood, and water quality issues in the basin.

Through formalizing agreements/working groups; establish collaborative business processes and culture; utilizing communication tools; and sharing technical/scientific consensus building tools, the U.S. Army Corps of Engineers is striving to embrace conflict resolution and establish collaborative relationships in order to make better decisions and become a better public service agency.

**9. Comments and Suggestions Regarding Reporting:** 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.

There has been limited available data to support estimates of the costs and benefits of collaboration, and relevant activities in many functional and mission areas are not included in the District reports. Annual District ECCR reports have generally been limited to the most significant public and stakeholder engagement and collaboration in Civil Works planning, design and construction, with lesser to no accounts of other relevant mission and functional areas.

Relevant programs likely to be under reported include:

- Formerly Used Sites Remedial Action Program;
- Dam and Levee Safety;
- Emergency Operations;
- Operations and Maintenance of:
  - Locks and dams,
  - Confined Disposal Facilities,
  - Flood control reservoirs,
  - Levee systems and other flood risk management infrastructure,
  - Campgrounds and natural resource conservation and management lands;
- Maintenance of navigable waterways;
- Regulatory; and
- Military Environmental Restoration.

A brief additional statement or direction from USACE leadership that specifies responsibility of District Public Affairs Offices and Program Management Offices for coordination of the ECCR report at each District is one possible way to efficiently capture a more representative account that spans all Mission areas in each District. Another key to continuing to improve collaboration across USACE could be development of a practical model and measurement system, a means to account for the relative costs and benefits of employing engagement and collaboration to reconcile competing and sometimes conflicting interests affecting execution of our natural resources missions. Finally, creating a collection system in which to monitor these efforts throughout the year rather than at the end of the year would improve recall of efforts when the call for these ECCR examples are made.

In regards to the ECCR Template itself, finding a way to simplify and shorten the template may also increase individuals in the Districts willingness to spend time filling out the form. A lengthy template may deter them from completing all aspects of the form. On another small note, changes to Question 3 were suggested: 1) Add environmental restoration activities to the table and 2) Provide definitions for all of the items listed in the 'Context of ECCR Applications' column.

Attachment A.

**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