

**FY 2020**  
**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 reporting template is provided in accordance with the memo for activities in FY 2020.

The report deadline is February 26, 2021.

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 FY 2020 report, along with previous reports, will establish a useful baseline for your department or agency. 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 2020 ECCR reports. You may be contacted for the purpose of clarifying information in your report.

For your reference, synthesis reports from past fiscal years are available at <https://www.udall.gov/OurPrograms/Institute/ECRReport.aspx>.

## FY 2020 ECCR Report

Name of Department/Agency responding:	U.S. Army Corps of Engineers (USACE)
Name and Title/Position of person responding:	Ms. Stacey Jensen Assistant for Environment, Tribal and Regulatory Affairs, Office of the Assistant Secretary of the Army (Civil Works)  Dr. Hal Cardwell  USACE Collaboration and Public Participation Center of Expertise, Institute for Water Resources, USACE
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Date this report is being submitted:	February 26, 2021
Name of ECCR Forum Representative	Dr. Hal Cardwell

### 1. ECCR Capacity Building Progress:

- a) Describe any **NEW, CHANGED, or ACTIVELY ONGOING** steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2020, including progress made since FY 2019.

Please also include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases, including any efforts to provide institutional support for non-assisted collaboration efforts.

Please refer to the mechanisms and strategies presented in Section 5 and attachment C of the [OMB-CEQ ECCR Policy Memo](#) for additional guidance on what to include here.

Examples include but are not restricted to efforts to:

- Integrate ECCR objectives into agency mission statements, Government Performance and Results Act goals, and strategic planning;
- Assure that your agency's infrastructure supports ECCR;
- Invest in support, programs, or trainings; and d) focus on accountable performance and achievement.

Please refer to your agency's FY 2019 report to only include new, changed or actively ongoing ECCR capacity building progress. **If none, leave this section blank.**

In FY 2020, the US Army Corps of Engineers (USACE) continued to take steps to build programmatic and institutional capacity for both ECCR and non-third-party-assisted collaborative environmental problem-solving processes, both at the Headquarters level and across the 39 districts and 8 divisions in the US where USACE executes its Civil Works program.

### PROACTIVE ENGAGEMENT AND COLLABORATION

Although districts and divisions employ neutral third parties and thus formal ECCR when appropriate, they report a preference for a proactive engagement approach with local cost-share sponsors, partners, and the public. As emphasized in a July 2020 statement by the Assistant Secretary of the Army for Civil Works (ASA(CW)) USACE values and actively seeks to cultivate productive, collaborative partnerships. Question 7 of this report highlights the efforts to develop local, state, regional, and national teams to work collaboratively and reduce the likelihood and severity of environmental conflict.

An example of this proactive collaborative approach was reported by the Huntington (WV) District: “Proactive NEPA scoping and coordination have aided in avoiding any issues rising to the need for formal ECCR. Continuing to foster and develop relationships with stakeholders has further aided in avoiding formal ECCR. The district’s Planning Branch maintains and fosters good relationships with agencies, stakeholders, local municipalities, Tribal Nations, and others to collaborate and work together across multiple mission areas. Operations staff have developed standardized language for coordinating NEPA actions with USFWS in each of the states within the Huntington District’s area of responsibility, streamlining the coordination process with the resource agency.”

### POLICY

On April 3, 2020, the ASA(CW) issued a policy memorandum to transition all public meetings from in-person to virtual, where feasible, for the duration of the COVID-19 pandemic. Accordingly, a significant portion of ECCR efforts in FY20 were devoted to virtual engagement and collaboration, whether building capacity or putting capacity into action.

USACE continued formulating guidance within existing policy to consider comprehensive benefits (i.e., social and environmental as well as economic) for water resources projects. The shift to consider Other Social Effects in USACE decision making may incentivize project development teams to boost their levels of engagement with stakeholder communities and impact ECCR needs and capacity. USACE will report on the practical effects of these policy changes on environmental collaboration and conflict resolution in future ECCR Reports.

Pittsburgh District is operating under a FY19-21 strategic plan with a specific objective to engage with stakeholders to shape the district vision. This portion of the strategic plan was intended to emphasize the need to build programmatic capacity for stakeholder engagement by establishing recurring events to facilitate communication with stakeholders and preparing codified products that identify and share commonalities with stakeholders.

Following up on an activity initiated in FY19, the New England District's Planning Office and USEPA Region V, Great Lakes National Program Office (GLNPO), stood up a program to ensure compliance with Section 106 of the National Historic Preservation Act (NHPA).

## EXPERTISE

USACE's Collaboration and Public Participation Center of Expertise (CPCX) actively works across the agency to build capacity for ECCR by helping 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 complements and collaborates with public affairs staff at all levels of the agency. CPCX comprises a small staff at USACE's Institute for Water Resources and liaisons at each of the eight Civil Works divisions. Actively ongoing programs in FY20 that built capacity included:

- 1) the **Public Involvement Specialists** program, which identifies and trains subject matter experts at the district level to provide local, regional and national-level support on collaborative processes;
- 2) the **Grand Collaboration Challenge**, through which experts provide technical assistance in ECCR to complex challenges at projects around the US;
- 3) information sharing across the **Collaboration and Public Participation Community of Practice** (over 1000 members from across disciplines, functional areas and geographic regions) as well as other Communities of Practice;
- 4) national working groups on **collaborative technologies and virtual collaboration** (details below);
- 5) a national working group developing innovative tools and training for **Applied Learning Environments**, such as Multi-Hazard Tournaments, tabletop exercises, and other "serious games" for multi-party, multi-criteria decision support (details below); and
- 6) **training** programs that are described in answer to question 1b.

The Public Involvement Specialists cadre grew from 24 to 25 members in FY20, each representing a different district office. Although the agency's Southwestern Division had gone without a Public Involvement Specialist since 2017, in FY20 it added a PI Specialist in Galveston District and identified potential PI Specialists in two additional districts. All three districts have committed to providing 100 hours of labor and \$2,000 in travel funds annually for each PI Specialist. Several other offices across the agency also devoted funds to supporting their PI Specialists, including Buffalo, Mobile and Pittsburgh Districts.

In addition to Public Involvement Specialists at 25 districts, many USACE districts also support Outreach Specialists or Outreach Coordinators, and all districts have Public Affairs offices. Each complements the others and plays a critical role in shaping district engagement with stakeholders and publics, communicating messages, and identifying needs and potential conflicts. Districts also home to coordinators of state-led, Sliver Jackets interagency teams that leverage resources and authorities from across federal agencies to address state priorities for flood risk management.

## COVID-19 PANDEMIC RESPONSE AND VIRTUAL ENGAGEMENT

Once it became clear that the majority of its workforce would have to work virtually for an extended period of time, USACE substantially increased the capacity of its information technology infrastructure, which in turn enabled greater virtual collaboration within the organization as well as much greater virtual engagement with partners and stakeholders and the broader public. Here, “greater” means that more USACE staff could engage virtually with more colleagues and partners more consistently, more effectively, and for a longer period of time. For example, in March of 2020, the agency’s Virtual Private Network (VPN) could only handle a few thousand users at one time; each user was limited to two hours online. By the end of April, the VPN could handle tens of thousands of users, each of whom was able stay logged in for 10 hours at a time.

But just having the technical tools to collaborate and engage online did not automatically mean that USACE staff could immediately take advantage of these assets. To do this, they needed the appropriate socio-technical skills – everything from how to set up and host a basic Webex meeting to how to build and sustain a high-performance team when the members are rarely in the same room.

To fill this need, the CPCX received funding (\$120K) in FY20 from COVID-19 relief funds to build agency capacity in virtual collaboration and engagement.

During the spring and summer of 2020, in response to the ASA(CW)’s memo and the challenges of the virtual work environment, CPCX and the Public Involvement Specialists established a virtual collaboration team to rapidly share and develop best practices for engaging stakeholders and publics in the challenging context of the pandemic. They offered a series of webinars, attended by over 1100 participants, designed to bring agency staff up to speed on virtual collaboration tools and techniques appropriate for ECCR (q.v., question No. 1b), and they collected a range of virtual collaboration resources and links, making them available to USACE staff on the center’s Sharepoint site.

Moreover, individual Public Involvement Specialists adapted these materials for multiple “brown bag” trainings targeted at the specific needs of their particular districts.

Throughout FY20, Public Involvement Specialists developed techniques for engaging virtually with potentially affected populations, *including those without Internet access*. For example, Portland’s Public Involvement Specialist worked with AT&T to organize a series of public comment sessions for a Columbia River environmental impact statement (a NEPA case) for over 500 participants by telephone only (q.v., question No. 4). Lessons learned and best practices from cases such as this were captured and disseminated to USACE colleagues through the webinars, brown bags and the Sharepoint site.

Supported by funding from CPCX, the PI Specialists collaborative technologies working group continued to identify and catalogue a wide array of tools suitable for enabling a variety of collaborative activities, building a prototype searchable database of applications for agency staff use. USACE’s IT managers have expressed interest in adopting this database and rolling it out widely.

Recognizing that “hybrid” or “blended” modes of engagement (i.e., simultaneously

virtual and in-person) will become standard operating practice moving forward, in FY20 CPCX issued a contract to research best practices for conducting charrettes, workshops, public meetings, etc., using such an approach.

## INTERAGENCY PARTNERSHIPS

At the national level in FY20, USACE reaffirmed its commitment to the Urban Waters Federal Partnership program and supported the addition of the Rio Salado Reimagined consortium as the 20<sup>th</sup> Urban Waters location. USACE also continued its support for the Sustainable Rivers Program in partnership with The Nature Conservancy.

At the regional level, USACE continued to provide support for a number of major interagency, regional water resources management organizations such as the Chesapeake Bay Program, the Columbia River Treaty Organization, the Upper Mississippi River Restoration Program, the Comprehensive Everglades Restoration Plan, the Missouri River Recovery Implementation Committee, etc. In addition, many Districts use formal and informal agreements with state and non-governmental partners to more effectively share information and accomplish USACE and the other organizations missions.

The Silver Jackets program contracted with the Natural Hazards Research Center at the University of Colorado to research and report on best practices for communicating risk and engaging with socially vulnerable populations. The results of two draft reports were presented at a national Silver Jackets interagency webinar.

## STUDIES

CPCX completed the third agency-wide Collaborative Capacity Assessment, a semi-decadal quantitative and qualitative survey of USACE staff to identify collaboration strengths and areas of opportunity across the USACE enterprise. CPCX is currently formulating a five-year Strategic Plan in FY 2021 to address challenges identified by the assessment.

In the assessment, USACE respondents viewed collaboration as an important key to successfully accomplishing the USACE mission. A significant majority of respondents felt that USACE collaborates well but that there is still room for improvement. Survey respondents identified a range of challenges, such as working within the constraints of funding, schedules, staff skills and abilities, leadership priorities, and technologies. Respondents requested more explicit recognition for collaborative successes, improved information sharing on case studies and policy guidance, and more support for working with Native American tribes and disadvantaged communities. Identifying challenges and opportunities is a critical first step for intelligently directing capacity-building investments in a targeted and effective manner. USACE Headquarters and CPCX are working to address the challenges and opportunities identified by the survey.

In FY20, CPCX and USACE's Tribal National Center of Expertise released the report "Strengthening USACE Collaboration with Tribal Nations for Water Resources Management" [www.iwrlibrary.us/document/6c5844a4-1d73-4b43-f67a-7ec14d72b2c4](http://www.iwrlibrary.us/document/6c5844a4-1d73-4b43-f67a-7ec14d72b2c4), based on a multi-year study that included internal surveys and workshops with tribal partners. The report includes various recommendations for improving USACE's ability

to collaborate with tribal nations to address their water resource needs.

- b) Please describe the trainings given in your department/agency in FY 2020. Please include a list of the trainings, if possible. If known, please provide the course names and total number of people trained. Please refer to your agency's FY 2019 report to include ONLY trainings given in FY 2020. **If none, leave this section blank.**

#### VIRTUAL TRAINING AND WEBINARS

During the spring and summer of 2020, in response to the COVID-19 pandemic, associated lockdowns, social distancing, and the widespread virtual working environment, USACE's Collaboration and Public Participation Center of Expertise (CPCX) rapidly developed and offered a series of webinars designed to bring agency staff up to speed on virtual collaboration tools and techniques appropriate for ECCR:

- Making the Connection: Teleworking Technologies & Tips (240 participants)
- Working the Connection: Virtual Meetings and Collaboration (220 participants)
- Deepening the Connection: Virtual Teaming and Collaboration (200 participants)
- Planning Charrettes: Adapting from In-Person to Virtual (140 participants)
- Public Participation During COVID-19 (240 participants)
- Get on the Plane, Jane: How to Keep Connected When You're Up in the Air (100 participants)

CPCX collected a range of virtual collaboration resources and links, making them available to USACE staff on the center's Sharepoint site.

As noted above, individual Public Involvement Specialists adapted the webinar and Sharepoint material for multiple brown bag trainings tailored for the specific needs of their districts.

Also in response to the pandemic, 14 of the agency's Public Involvement Specialists received training and gained their Virtual Facilitator Trainer Certification.

Each year the USACE Learning Center (ULC) offers several courses for agency employees that develop ECCR-related skills. Course instructors include staff from the CPCX. After March 2020 these courses were either postponed or converted to a virtual platform. The courses include the following:

- Public Involvement and Communication (30 students in FY20)
- Public Involvement and Team Building in Planning (47 students)
- Risk Communication and Public Participation (postponed in FY20 due to pandemic)

USACE Dam and Levee Safety communities of practice received CPCX's training in Communication Planning and Stakeholder Outreach. This included six webinars (attended by about 150 each session) on multiple topics, and eight Communication of Dam Risk training workshops conducted in person to a total of 153 USACE staff in eight districts before travel was restricted.

The CPCX virtually delivered ECCR-related teambuilding training sessions to the

Regulatory staff of Honolulu and Buffalo Districts (53 students total).

In FY20 as in previous years, the CPCX delivered ECCR-related training materials via newsletter in October to coincide with International Facilitation Week, Conflict Resolution Day, and CPCX's own "birthday" as a center.

Individually, many Public Involvement Specialists and other agency staff took ECCR-related training on virtual facilitation, teambuilding and leadership, etc., from various private providers.

INTERAGENCY TRAINING & WORKSHOPS

In February 2020, the National Flood Risk Management Program (NFRMP) held its bi-annual Interagency Flood Risk Management Seminar, featuring a variety of workshops and training sessions on interagency collaboration. The four-day conference brought together 224 participants from multiple state and federal agencies as well as universities and non-governmental organizations.

Throughout the year, the NFRMP and Silver Jackets program released a jointly produced quarterly newsletter on interagency collaboration for flood risk management, sharing best practices and case studies with USACE staff and interagency partners.

Public Involvement Specialists and Silver Jackets Coordinators at the Sacramento and Los Angeles Districts organized and ran a two-day all-virtual Watershed University, an annual interagency flood risk management training summit co-sponsored by the California Department of Natural Resources. The 2020 summit was scheduled to take place in Los Angeles in April with a maximum of 100 participants from the region, but the organizers rapidly pivoted to a virtual event that was able to accommodate 350 participants from across the country.

The CPCX co-sponsors the interagency Managing By Network course offered by the Partnership and Community Collaboration Academy, and one CPCX staff serves as an advisor and instructor for the course. At least two district staff took this course in FY2020.

The CPCX co-sponsors the interagency Collaboration and Conflict Transformation in Multi-Party Processes course with the US Fish & Wildlife Service, normally offered at the National Conservation Training Center in West Virginia. In FY20 the CPCX staff who serve as course instructors developed shorter, virtual versions of this course targeted to specific regions, to be delivered in FY21.

SPECIALIZED TRAINING

Two of the agency's internal leadership development programs, the Planning Associates program and the Regulatory Strong Leaders course, include training on ECCR-related skills, designed and offered by CPCX staff. There are 12 Planning Associates and 16 Regulatory Strong Leaders in training. The Planning Associates Teambuilding, Leadership, and Effective Communication course was held in December 2019.

USACE supports the Nation Disaster Recovery Framework (NDRF) by leading the

Infrastructure Recovery Support Function (IS-RSE). Training for the IS-RSF cadre (25 individuals) included a module on ECCR-related skills designed and offered by CPCX staff, in November 2019.

A Public Affairs Officer from Philadelphia District took USACE courses in External Affairs Planning & Response Training and Local Government Liaison Planning & Response Team Training.

Two employees of St. Paul District took collaboration training offered by the Department of Interior's Office of Collaborative Action and Dispute Resolution in January 2020.

#### NEW TRAINING DEVELOPMENT

For several years CPCX, in collaboration with USACE's Hydrologic Engineering Center, the Engineering Research and Development Center, Sacramento District, and Pittsburgh District, has been developing a special class of tools to facilitate ECCR processes, called Applied Learning Environments (a.k.a. "serious games"). In FY20 training sessions on ALEs, including Multi-Hazard Tournaments, were delivered in-person at the bi-annual NFRMP training seminar as well as virtually via webinar to the USACE Planning Community of Practice, to a total of 61 individuals. The ALEs team also began development of a standard course on how to use "serious games" for ECCR and other purposes, to be offered in future through the USACE Learning Center.

## 2. ECCR Investments and Benefits

- a) Please describe any **NEW or CHANGED or INNOVATIVE** investments made in ECCR in FY 2020. Examples of investments may include (but are not limited to):
- ECCR programmatic FTEs
  - Dedicated ECCR budgets
  - Funds spent on contracts to support ECCR cases and programs

Please refer to your agency's FY 2019 report to only include new, changed, or innovative investments made in ECCR. **If none, leave this section blank.**

As the answers to the questions above and below make clear, the main theme of this report is that USACE responded swiftly and forcefully to the challenges presented by the COVID-19 pandemic and the concomitant restrictions on social gatherings and social contact. Accordingly, the agency's new ECCR investments in FY 2020 primarily comprised the capacity building measures described in Q1 above. Numbers are provided above where reported. Unfortunately, exact figures for investments (in dollars or staff time, for example) are not always reported or available.

b) Please describe any **NEW or CHANGED** benefits realized when using ECCR in FY 2020. Examples of benefits may include (but are not limited to):

- Cost savings
- Environmental and natural resource results
- Furtherance of agency mission
- Improved working relationship with stakeholders
- Avoidance of litigation
- Timely project progression

Please refer to your agency's FY 2019 report to only include new or changed benefits of ECCR realized in FY 2020. If none, leave this section blank.

Most benefits from environmental collaboration and conflict resolution activities in FY20 aligned with benefits from previous years:

1. better project outcomes and superior mission achievement;
2. improved governance, including stronger partnerships and more trusting stakeholder relationships; and
3. reduced costs and more timely results compared to less collaborative approaches.

The agency's rapid and innovative responses to the COVID-19 pandemic brought a new dimension to these categories of benefits. While USACE already had virtual meeting technology and some experience with virtual partnering and public engagement prior to the pandemic (such as through WebEx- and AT&T-enabled teleconferences or through ArcGIS CrowdSource Reporter geotagged commenting software), in FY20 the agency greatly expanded its capacities in these areas, as described in this report. As a result, USACE districts were able to continue to achieve better outcomes, improved governance and reduced costs through collaborative engagements even in the face of a pandemic, widespread lockdowns, social distancing, and restrictions on social gatherings.

Yet virtual engagement methods are not automatically beneficial for all stakeholders, such as those who may lack reliable Internet access or bandwidth. Thus, USACE districts paid particular attention to developing methods to reach these populations and ensure their opportunity for input, such as by using telephone-based technologies or even by leveraging local-access radio and television stations in remote areas. Such efforts likely strengthened the agency's relationships with these communities.

While districts received some complaints that virtual engagement methods were less satisfactory than in-person methods, virtual engagement was preferable to reduced or eliminated engagement during a pandemic. Other feedback indicated an appreciation for the agency's sincere efforts to seek and receive input in spite of the challenges of COVID-19, a possible sign of strengthened relations with some stakeholders as a result of these efforts. Moreover, virtual methods were often able to accommodate a greater number of participants than non-virtual methods would have. In the future, blended methods will likely become the standard approach for many applications.

The expanded capacities for virtual and blended engagement approaches that USACE developed in FY20 will continue to yield dividends into the future, providing more options for collaborating with partners and engaging with stakeholders and publics. For example, planning charrettes in the future will likely often be hybrid affairs, offering both in-person

and virtual engagement options, thereby greatly expanding the opportunities for interested parties to participate. The result may be greater numbers of more diverse participants, as well as higher rates of active participation because participants will be able to choose their preferred means of participation.

### 3. ECCR Use

Describe the level of ECCR use within your department/agency in FY 2020 by completing the three tables 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.]

To avoid double counting processes, please select one category per case for decision making forums and for ECCR applications.

	Total FY 2020 ECCR Cases <sup>2</sup>	Decision making forum that was addressing the issues when ECCR was initiated:			
		Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other** (specify below)
<i>Context for ECCR Applications:</i>					
Policy development	___	___	___	___	___
Planning	<u>14</u>	<u>12</u>	___	___	<u>2</u>
Siting and construction	___	___	___	___	___
Rulemaking	___	___	___	___	___
License and permit issuance	<u>1</u>	<u>1</u>	___	___	___
Compliance and enforcement action	___	___	___	___	___
Implementation/monitoring agreements	<u>5</u>	<u>5</u>	___	___	___
Other (specify): <u>partnering/education,</u> <u>public comments (NEPA),</u> <u>comprehensive studies</u>	<u>4</u>	<u>1</u>	___	___	<u>3</u>
<b>TOTAL</b>	<b><u>24</u></b>	<b><u>19</u></b>	<b>___</b>	<b>___</b>	<b><u>5</u></b>
		(the sum of the Decision Making Forums should equal <b>Total FY 2020 ECCR Cases</b> )			

**\*\*If you indicated above that any of your ECCR cases or projects were initiated in an “other” decision making forum, please elaborate here.**

- Cuyahoga Valley National Park, Boston Mills Project Public Information Meetings: Objective was to solicit and address comments as part of the environmental-review process of an Environmental Assessment (Buffalo District).
- South Atlantic Coastal Study: Intent of the meetings was to discuss opportunities to improve coastal resiliency and reduce the risk of damage to infrastructure from coastal storms (Savannah District).
- Strengthening Collaboration in Water Resources Planning and Management Workshop; workshop was comprehensive and addressed many cross-cutting concerns between USACE and Navajo Nation but was not focused on any single project. (Albuquerque, Sacramento and Los Angeles

<sup>2</sup> An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2020.

Districts, South Pacific Division and Navajo Nation).

- San Francisco Bay Dredged Material Management Plan Project Management Plan: related facilitation was educational/partnering in nature (San Francisco District).
- Texas Coastal Study: A large, comprehensive study of the entire Texas coastline to identify “coastal storm risk management and ecosystem restoration measures to protect the health and safety of Texas coastal communities, reduce the risk of storm damage to industries and businesses critical to the Nation’s economy, and address critical coastal ecosystems in need of restoration” (Galveston District)
- Columbia River System Operations EIS: collected public comments as part of a NEPA process incorporating feedback on an environmental impact statement draft (Northwestern Division).

<i>Context for ECCR Applications:</i>	<b>Interagency ECCR Cases and Projects</b>	
	Included Other Federal Agencies Only	Included Non-Federal Participants (e.g., states, Tribes, and non governmental)
Policy development	_____	_____
Planning	_____	<u>14</u>
Siting and construction	_____	_____
Rulemaking	_____	_____
License and permit issuance	_____	<u>1</u>
Compliance and enforcement action	_____	_____
Implementation/monitoring agreements	<u>3</u>	<u>2</u>
Other (specify): _____	_____	<u>4</u>
<b>TOTAL</b>	<b><u>3</u></b>	<b><u>21</u></b>

<i>Context for ECCR Applications:</i>	ECCR Cases or projects <b>completed</b> <sup>3</sup>	ECCR Cases or Projects <b>sponsored</b> <sup>4</sup>
Policy development	_____	_____
Planning	<u>8</u>	<u>5</u>
Siting and construction	_____	_____
Rulemaking	_____	_____
License and permit issuance	<u>1</u>	_____
Compliance and enforcement action	_____	_____
Implementation/monitoring agreements	<u>3</u>	<u>2</u>
Other (specify): _____	<u>3</u>	<u>3</u>
<b>TOTAL</b>	<b><u>15</u></b>	<b><u>10</u></b>

<sup>3</sup> A “completed case” means that neutral third-party involvement in a particular ECCR case ended during FY 2020. The end of neutral third-party involvement does not necessarily mean that the parties have concluded their collaboration/negotiation/dispute resolution process, that all issues are resolved, or that agreement has been reached.

<sup>4</sup> Sponsored - to be a sponsor of an ECCR case means that an agency is contributing financial or in-kind resources (e.g., a staff mediator’s time) to provide the neutral third party’s services for that case. More than one sponsor is possible for a given ECCR case.

**Note:** If you subtract completed ECCR cases from Total FY 2020 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2020 ECCR cases it should equal total cases in which your agency or department participated but did not sponsor. If you subtract the combined interagency ECCR cases from Total FY 2020 cases it should equal total cases that involved only your agency or department with no other federal agency involvement.

#### 4. ECCR Case Example

Using the template below, provide a description of an ECCR case (preferably **completed** in FY 2020). If possible, focus on an interagency ECCR case. Please limit the length to **no more than 1 page**.

<b>Name/Identification of Problem/Conflict:</b>
<b>Columbia River System Operations Environmental Impact Statement</b>
<b>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.</b>
The NEPA-required public comment period on a draft Environmental Impact Statement for operation of the Columbia River System had already begun when the COVID-19 pandemic began tearing through the Pacific Northwest in March 2020. Venue contracts had been signed; paid advertisements were already running; and media outreach was underway for multiple, in-person comment sessions. Yet, to maintain its long-standing commitment to hearing verbal comments on the draft within the originally scheduled 45-day comment period, USACE was forced to scrap its detailed plans for these sessions and pivot to alternative plans within just <i>eight days</i> . Compounding the challenge, the team did not compromise their objective to ensure that <i>all</i> stakeholders had a reasonable opportunity to provide input, regardless of Internet access or lack thereof.
<b>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.</b>
A Public Involvement Specialist from USACE’s Northwestern Division led the effort to organize and facilitate the transition of the public comment process to virtual. She and her team partnered with AT&T Event Conferencing Services to organize a series of 11 audio-only teleconferences accessible by any telephone. AT&T provided a set of sophisticated teleconference monitoring and management technologies to aid the team’s ability to facilitate the meeting. For example, the team used a web-based interface to provide interactive facilitation and presentations, organize commenters, manage comment times, and anticipate and resolve any participant challenges to virtual engagement.
<b>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.</b>
With Bonneville Power Administration, USACE hosted eleven teleconference sessions between March 17 and March 31, 2020, some uniquely organized for tribal participation and others for the general public. In total, the sessions welcomed approximately 1000 participants and nearly 300 commenters. The success of these sessions enabled the Record of Decision on the Columbia River System Operation EIS to be signed by USACE, the Bureau of Reclamation, and the Bonneville Power Administration on September 28, 2020 and released to the public on the same day.
<b>Please share any reflections on the lessons learned from the use of ECCR.</b>
The use of a trained ECCR specialist ensured that the public engagement strategy could be revamped on extremely short notice while keeping promises for public engagement and keeping the project on schedule. The teleconference format allowed larger numbers of stakeholders to participate. USACE was able to manage the sessions more precisely and efficiently, allowing for substantial comments. While in-person public meetings will continue as an important mechanism for public engagement on NEPA and other ECCR-related cases, teleconferences remain a viable, complementary option. Finally, the use of a telephone-based technology rendered the “digital divide” almost irrelevant, so that lack of access to Internet or computing technologies did not become a barrier to participation.

## 5. Other ECCR Notable Cases

Briefly describe any other notable ECCR cases in FY 2020. (OPTIONAL)

### Great Lakes and Ohio River Division — 6 cases

#### BUFFALO DISTRICT: Cuyahoga Valley National Park, Boston Mills Project Public Information Meetings

The Boston Mills project is a collaborative effort between the U.S. Environmental Protection Agency (EPA), National Park Service (NPS), and USACE. The project is located on a portion of the Cuyahoga River main stem, within the Cuyahoga Valley National Park not far from the Boston Mills Ski Area. The primary purpose is to address Beneficial Use Impairments that currently degrade the lower Cuyahoga River within park boundaries by: improving the condition of fish and wildlife habitat along and within the river, reducing erosion, and improving water quality. Improving Beneficial Use Impairments at the park is essential for removing the Cuyahoga River from the list of Areas of Concern, which is a high priority for both watershed groups and the EPA under the Great Lakes Restoration Initiative. USACE is tasked with designing and constructing the project. The Cuyahoga Valley National Park has assisted with the design and has primary responsibility for the project's longevity. Funding comes from the EPA Great Lakes Restoration Initiative, administered by EPA's Great Lakes National Program Office.

The National Park Service was planning to host a public information meeting to provide an update on the project, share information about proposed alternatives, and solicit comment from interested publics. Because of the pandemic, this was to be a virtual event, but NPS had neither staff nor technology capabilities to host a virtual meeting. The Buffalo District team solicited facilitation services from their office's Public Involvement Specialist, who hosted and facilitated two virtual public meetings using a USACE WebEx account. The interagency team scripted the entire presentation to ensure information shared was consistent in both meetings. A colleague from NPS managed the chat and monitored questions for the Q & A session. Prior to the sessions, the team developed a process for passing questions and answers among themselves to avoid speaking over each other during the webinar. All questions were directed to the project manager, who would then pass them to specific team members by calling them by name and organization. The facilitator encouraged the team to be transparent and to acknowledge if they were not the best person to answer a given question before passing it to another colleague by calling that person's name and affiliation. With help from the facilitator, the team addressed all questions from the online chat and then from phone lines. The facilitator and team interspersed three short polls throughout the presentation to engage the audience while providing audience interests and demographics to NPS. The team recorded both meetings via WebEx, but the system glitched and only clearly recorded the host's voice. In retrospect, the team should have also used the AT&T recording feature as a back-up.

Two days prior to the meetings, NPS advised that the meetings had to be recorded and ADA compliant. Time was insufficient to contract a court reporter, and no colleagues with quality typing abilities were available to assist, so the facilitator used the closed caption feature both to transcribe the script spoken by team members and to capture the subsequent Q & A session.

NPS was very pleased with the planning, execution, and outcome of the meetings. Their senior management participated in one of the meetings and was very complimentary about the professionalism of the format and tools used.

#### PITTSBURGH DISTRICT: Adaptive Management and Monitoring Planning Workshop for Kinzua Dam and the Upper Allegheny River

In 2020, Pittsburgh District and The Nature Conservancy (TNC) submitted a proposal and received \$50K from the USACE Sustainable Rivers Program (SRP) to host and facilitate a workshop with regional scientists and experts from academia, NGOs, Tribes, and state and federal natural resource

management agencies. Pittsburgh District and TNC hosted the Upper Allegheny River Ecosystem Flow Workshop in September 2020. Workshop goals were: (1) to create a space for shared learning and future collaboration, (2) to review and refine ecosystem flow prescriptions for Kinzua Dam and the Allegheny River developed by USACE and TNC, and (3) to provide input for the development an Adaptive Management and Monitoring Plan (AMMP) for Kinzua Dam with implementation of these flow prescriptions. Approximately forty regional experts and scientists attended the workshop, representing six federal and state resource agencies, the Seneca Nation of Indians, the Western Pennsylvania Conservancy, the Pennsylvania Natural Heritage Program, and academia. Modifying operations to include environmental needs along with authorized project purposes is an effective way to restore, protect, and sustain river habitats. The AMMP will be a living document. The district & TNC plan to meet regularly with regional scientists and experts to refine and direct the AMMP, which will be used by the district to guide future studies, monitoring, and collaborative efforts in reach of the Allegheny River downstream of Kinzua Dam necessary to track and understand connections between reservoir operations and ecosystem health.

USACE recognized that engaging regional experts and enhancing those operations that improve ecosystem function would require additional funding from outside the district. Pursuing funds from the Sustainable Rivers Program was a proactive effort to improve decision-making and relationships.

Substantial facilitation took place even before the workshop itself. The neutral facilitator enabled the partners planning the workshop to identify its purpose and intended outcomes and to plan an agenda to accomplish those goals. With an outside perspective, the facilitator was also able to identify gaps in the proposed agenda hindering effective communication by partners and audience. With help from the facilitator, the workshop became a polished platform from which partners could build relationships with regional experts and scientists in attendance.

Ecosystem effects were not well understood or considered when most Pittsburgh District reservoirs were designed and constructed; operations have rarely been modified since. To understand effects of operations on ecosystems and to optimize and balance operations at reservoirs with competing and conflicting purposes, regional engagement and support are critical. This workshop was the district's first step towards encouraging people to work together to achieve ecologically sustainable flows from Kinzua Dam while maintaining or enhancing other project benefits. The AMMP will be used to assure effectiveness of operational changes and guide future decisions. Pittsburgh District has already received commitments from many resource agencies to support development of the AMMP during 2021, and the USGS has already received SRP FY21 funds to support further AMMP development and to begin implementation (monitoring to track impacts of operations).

#### PITTSBURGH DISTRICT: Johnstown Interagency Taskforce Planning Workshop

In October 2019, Vision2025 in partnership with the Columbia University Graduate School of Architecture, Planning, and Preservation (GSAPP) convened the Johnstown Interagency Taskforce for its next Planning Workshop. The Taskforce is a coalition of 30+ agencies and representatives that has met twice annually since 2017, with a strategic goal of coordinating the continued alignment of local, state, and federal resource investment within the City of Johnstown. This meeting was in the form of a "Resilience Accelerator," a unique model piloted by the GSAPP. The goals for this session were to identify and illustrate the city's current priorities, policies, and projects, and to discuss opportunities for coordination of agency involvement within Johnstown – with a focus on Resilient Infrastructure and Policy. USACE attended this taskforce meeting as a participant. Pittsburgh District is working with the City of Johnstown on multiple initiatives, using different USACE authorities.

The Resilience Accelerator method facilitated discussion about what stakeholders would like to see develop within Johnstown, and to identify future risks and opportunities for different sectors of development (e.g. water management, outdoor recreation, etc.). It also allowed participants to familiarize themselves with the priorities, objectives, and proposed projects already developed

through the Vision2025 effort.

Facilitation services were from Columbia University. USACE participation was funded through USACE's Floodplain Management Services Program.

By participating in this facilitated workshop, USACE intended to show stakeholders that they would like to be part of the community solution. The discussion allowed all participants, representing the many sectors and interests in Johnstown, to see that the goals of the City are not the responsibility of one entity and that multiple interests and partners are needed to attain Johnstown's goals.

#### PITTSBURGH DISTRICT: Stonewall Jackson Lake Master Plan Update

The Pittsburgh District is updating the Stonewall Jackson Lake Master Plan and sought to understand the concerns and ideas of its partners, stakeholders and public for future management of the reservoir. During the scoping phase of the process, USACE asked its partners, stakeholders, and the public to discuss and engage with the efforts to update the master plan. The Pittsburgh District Public Involvement (PI) Specialist helped the project team plan for and deliver meetings with partners and the public, which the PI Specialist facilitated along with two other staff members. The project team added facilitated partner meetings to its public involvement efforts to provide an opportunity for frank, in-depth discussion with those organizations intimately involved with and affected by management of Stonewall Jackson reservoir. Objectives of these scoping meetings were to: 1) communicate USACE's intent and need to revise the Master Plan, 2) establish the scope of the Master Plan update, and 3) learn about the needs, opportunities, and concerns of partners, stakeholders, and the public. Interested parties unable to attend the meetings and/or located far from the Project site could email their comments to the Pittsburgh District.

The engagement for these meetings were funded through the Master Plan project funds.

As a result of these meetings, partners were more included in the process and engaged in protecting the lake's resources. Previous instances of this level of engagement in master planning produced more active updating of annual work plans by partners leasing USACE property.

#### PITTSBURGH DISTRICT: Crooked Creek Master Plan Update

The Pittsburgh District is updating the Crooked Creek Lake Master Plan and sought to understand the concerns and ideas of its partners, stakeholders and public for future management of the reservoir. During the scoping phase of the process, Pittsburgh District asked its partners, stakeholders, and the public to discuss and engage with the efforts to update the master plan. The Pittsburgh District PI Specialist helped the project team plan for and execute the meetings with partners and public, which the PI Specialist facilitated. The project team added facilitated partner meetings to its public involvement efforts to provide an opportunity for frank, in-depth discussion with those organizations intimately involved with and affected by management of the Crooked Creek reservoir.

The engagement for these meetings were funded through the Master Plan project funds.

As a result of these meetings, partners were more included in the process and engaged in protecting the lake's resources. Previous instances of this level of engagement in master planning produced more active updating of annual work plans by partners leasing USACE property.

#### PITTSBURGH DISTRICT: Youghiogheny River Lake Master Plan Update

The Pittsburgh District is updating the Youghiogheny River Lake Master Plan and sought to understand the concerns and ideas of its partners, stakeholders and public for future management of the reservoir. During the scoping phase of the process, Pittsburgh District asked its partners,

stakeholders, and the public to discuss and engage with the efforts to update the master plan. The Pittsburgh District PI Specialist helped the project team plan for and execute the partner and public meetings, which the PI Specialist facilitated. Additionally, to capture many of the day users at these projects who do not live in the local community year round, the District used a virtual collaborative platform (i.e. a crowdsourcing mapping tool) that enabled the public to submit location-based ideas and concerns online about the upcoming Master Plan update. The project team added facilitated partner meetings to its public involvement efforts to provide an opportunity for frank, in-depth discussion with those organizations intimately involved with and affected by management of the Youghiogheny River Lake.

The engagement for these meetings were funded through the Master Plan project funds.

As a result of these meetings, partners were more included in the process and engaged in protecting the lake's resources. Previous instances of this level of engagement in master planning produced more active updating of annual work plans by partners leasing USACE property.

### **North Atlantic Division — 1 case**

#### BALTIMORE DISTRICT: Northern Virginia Coastal Flood Risk Management Feasibility Study – Partner Meeting

To support resilient communities in Northern Virginia given future climate and sea level change scenarios, this feasibility study seeks to reduce coastal flood risk to vulnerable populations, properties, infrastructure and environmental and cultural resources. National Park Service (NPS) owns substantial land within the study area, so for the study to be successful, NPS must be a collaborative partner. However, early interactions and meetings (November 2019) were contentious due to miscommunications and lack of understanding of the 3X3 SMART Planning process.

Baltimore District's Public Involvement (PI) Specialist helped plan and organize a meeting (February 2020) with NPS and other project stakeholders. The PI specialist helped prepare the agenda and with logistics, team building, conflict resolution, and facilitation. The main goal of the meeting was to establish a productive working relationship between USACE, NPS, and other project stakeholders. At the meeting the USACE team presented an array of alternatives for flood risk management and discussed NPS's future support on the project.

The project team used Google Earth and developed high-level concept renderings of potential project alternatives that allowed NPS to provide useful feedback without having been involved in the initial concept development process. USACE's GIS specialist also used the latest GIS software to create automated flooding videos in the study area to better communicate flood risk to NPS.

As an outcome of the meeting, NPS became actively re-engaged in the feasibility study. NPS also provided critical feedback on an initial array of concept alternatives, which enabled the USACE team to meet critical project milestones. SMART Planning can be misunderstood by other agencies unaware of the aggressive timelines associated with the process. This can be mitigated through early and diligent stakeholder engagement and follow up.

### **Northwest Division — 6 cases**

#### OMAHA DISTRICT: Keystone XL Pipeline Section 404/10 Regulatory Permit Decision

In FY2020, USACE's Omaha District sought assistance in holding public hearings for the highly controversial Keystone XL (KXL) Pipeline Section 404/10 Permit Decision. The COVID-19 pandemic made it necessary to conduct these using a virtual platform, which the Regulatory Branch had not done previously. These virtual public meetings and hearings were new territory for USACE, and reviews in the press were mixed. The team needed to ensure the health and safety of its staff and the

public while enabling interested parties to provide input on the permit decision.

Omaha District's Outreach Specialist met with the KXL project team starting in the early summer 2020 to discuss strategies for conducting the public hearings and developing a Tribal/Public Hearing Plan. To increase opportunities for participation, the team decided to hold three separate virtual public hearings, one for each state in which a permit action was required (Montana, South Dakota, and Nebraska). Although meetings were not limited to affected landowners and interested parties living in each particular state, this strategy ensured that the team had the appropriate staff from USACE and State Water Quality Agency on each call (Montana Staff attended the Montana meeting, etc.). The public often perceives that USACE brings too many staff to its meetings; using this approach helped reduce this perception of overstaffing.

Because of the complexity and controversy of the KXL Project, development of a Tribal/Public Hearing Plan was critical to ensuring the public hearing process, and the project team was well organized. The Omaha District Outreach Specialist took the lead on developing the plan with input from Regulatory, Tribal and Public Affairs staff. The plan, which became an attachment to a larger, more robust project communication plan, included information on tribal/public notification strategies, public hearing materials (agendas, scripts, fact sheets, etc.) and public comment submission strategies (website, email address, mailing address, phone line, etc.).

To hold an orderly virtual public hearing accessible to anyone, the team researched various platforms and decided to use AT&T Event Conferencing Services. This platform featured: (1) a phone number accessible to anyone with a telephone; (2) the option for the team, including USACE, State Water Quality Agencies and TransCanada, to present information (e.g., public hearing procedures) to callers uninterrupted; and (3) support from an AT&T Operator who actively monitored phone lines and opened and closed individual lines after the established 3-minute time limit. The project team received approximately 46 formal comments during the Montana hearing, 65 during the South Dakota hearing, and 79 during the Nebraska hearing. Numerous callers during the public hearings were complimentary of the selected platform and of the equal opportunity afforded to provide comments. In addition, thousands of comments were received via email, mail and on the dedicated phone line.

The USACE team was anxious at the beginning of the process because of the controversial nature of the project and the fact that they had not previously conducted public hearings, let alone virtual public hearings. The time and money invested in securing assistance from the Omaha District Outreach Specialist produced a well-developed Tribal/Public Hearing Plan and communication plan, an organized public hearing process, and a confident project team capable of executing several successful public hearings and Tribal meetings. These provided the information necessary to make an informed Regulatory permit decision.

#### OMAHA DISTRICT: Lander, WY Section 205 Flood Risk Management Study

In March of 2020, the Omaha District pivoted from plans for an in-person public planning meeting to a virtual meeting due to the COVID-19 pandemic, for a Section 205 flood risk management study in Lander, WY. Word was spread via websites and social media. The city – the cost-share sponsor – reached out to key stakeholders by phone and to a broader list of interested parties by email.

The district held two virtual sessions, the first being a test run to work out any technical issues and to give participants a chance to practice using the technology (WebEx) in a low-pressure environment. In addition, the project team held a pre-meeting with the city to work out logistics, agenda, and roles for the public meeting. As a result, the public meeting itself, attended by 70 participants, proceeded exceptionally smoothly. Two facilitators, including the district's Public Involvement Specialist, led the meeting and managed the chat channel. After the meeting, the city received several additional comments by email, and several stakeholders continued the discussion in-depth through individual phone calls.

### PORTLAND DISTRICT: Portland Metro Levee System Flood Risk Management Project

For the Portland Metro Levee System (PLMS) project, the project team coordinated and led neighborhood walks. Whenever landowners brought something to the team's attention during these walks, the project team used a Georeferencing App to drop a pin, take a picture, and add a note about the concern. The project team then uploaded the resulting information into a GIS database, which the designers used to make adjustments to feasibility level alignment/designs. This was the first time Portland District had used this innovative strategy.

Once COVID-19 protocols came into effect, the PMLS team made a video of a project team meeting wherein they stepped through tradeoff analysis, and technical experts on the team explained their rationale for their qualitative scoring. The team posted this video to the project website to make it available for public viewing. The team did so to address the public's expressed concern about transparency in how the team would arrive at a decision related to alignment and project features in their neighborhoods. The team did not draw conclusions at this point as doing so would have been pre-decisional; they explained this upon posting the video. The point was to elucidate the process, and the team felt this was a successful technique.

The PLMS team also implemented a Zoom meeting with a third-party facilitator to give a neighborhood update. This was information *to* the audience rather than a public meeting or the team seeking information *from* them. People could submit their questions to the facilitator. The team provided written responses to each question and posted these on the website. This format encouraged a more civilized, structured exchange of information than an in-person public meeting might have seen. Indeed, at a previous in-person meeting, participants had become agitated and stopped listening to the team. The facilitated, structured virtual approach enabled the team to convey the message that "we heard you: here is how we have adjusted the designs." Once participants felt heard, chatter on the project quieted down and has remained relatively quiet since. The team found this to be an effective technique.

### WALLA WALLA DISTRICT: Mill Creek Operations and Maintenance Endangered Species Act Consultation and Environmental Impact Statement

ESA consultation has been ongoing in Walla Walla District for the Mill Creek Project since Steelhead and Bull trout Endangered Species Act listings occurred in the late 1990s. In 2011 the Walla Walla District received a Jeopardy Opinion from the National Marine Fisheries Service with a Reasonable and Prudent Alternative (RPA) that could not be implemented because it was outside of USACE authority. USACE reinitiated consultation immediately after rejecting the RPA elements it did not have the authority to implement. Consultation has been underway since, with considerable effort to clarify and pursue real world implementable measures appropriate to ESA conservation while meeting USACE flood risk management mission.

It was difficult to keep this project a priority as other workload demands were more readily achievable, so the District reached out to Northwestern Division for assistance. The Division appointed and funded an Environmental Team Leader, who established regular workload priority coordination meetings with NMFS and ensured the District's top ESA consultation priority continued to move forward. NMFS provided a non-jeopardy opinion on December 3, 2020. This successfully concluded our ESA consultation, enabling Walla Walla District to move forward and complete our supplemental Environmental Impact Statement and to ensure implemental terms, conditions, and reasonable and prudent measures.

### WALLA WALLA DISTRICT: Aquatic Pest Management Program; AIS program

The Walla Walla District recently completed programmatic Endangered Species Act consultation for

its terrestrial and aquatic pest management programs in preparation for regionally important federal cost share programs. The activity was authorized under §104 of the River and Harbor Act of 1958, as amended by §1039(d) of the Water Resources Reform and Development Act of 2014 and §1178 of Water Infrastructure Improvements of the Nation Act of 2016. NWW initiated a programmatic framework ESA consultation for rapid response to Zebra/Quagga Mussel infestations starting in fall of 2017. This raised policy concerns with the U.S. Fish & Wildlife Service. Support from the Northwestern Division environmental team for programmatic framework ESA consultations continue. Northwestern Division environmental and planning leadership holds periodic coordination with the Services, where ongoing challenges are acknowledged and where priorities and emergency alternatives for Northwestern Division, including needs of this regional cost-share program, are addressed.

#### WALLA WALLA DISTRICT: Lucky Peak Recreation Trail, Boise, Idaho

Walla Walla District proposed a local partnership to facilitate additional recreational trail development at Lucky Peak Lake near Boise, Idaho in 2016. USACE developed a conceptual plan along with a draft Finding of No Significant Impact and Environmental Assessment in 2020. USACE conducted public scoping in the early phases of the project and noted challenges and shifting perspectives from our land management partner, Idaho Department of Fish and Game (IDFG).

Over time the IDFG perspective diverged from supporting the project to opposing it, with eventual disagreements about potential impacts to important state wildlife resources. USACE extended the public comment period to allow for more dialogue over the disagreement. The District Engineer/commander, supported by other senior Walla Walla District leadership, reached out to develop a direct dialogue with IDFG leadership. Ultimately, the DE made the challenging final decision to not move forward with the project and to implement the 'no action' alternative at this time.

#### **Pacific Ocean Division — 3 cases**

##### ALASKA DISTRICT: Nome Continuing Authorities Program (Sec. 107) Study; Charrette

The Alaska District sponsored the use of a third-party facilitator from the St. Paul District Regional Planning & Environmental Division, to support the Nome CAP 107 Charrette (14-Jul-2020). The facilitator assisted in the planning and facilitation of the charrette. Beneficial outcomes included informing project stakeholders of the study and receiving input from stakeholders in developing measures and alternatives to be considered for the study. The charrette and facilitator were sponsored by USACE Alaska District Civil Works

##### ALASKA DISTRICT: Japanese Creek Continuing Authorities Program (Sec. 205) Study; Charrette

The Alaska District sponsored the use of a third-party facilitator from the St. Paul District Regional Planning & Environmental Division, to support the Japanese Creek CAP 205 Study Charrette (2-3-Jun-2020). The facilitator assisted in the planning and facilitation of the charrette. Beneficial outcomes included informing project stakeholders of the study and receiving input from stakeholders in developing measures and alternatives to be considered for the study. Funding was provided from the 50/50 cost shared feasibility study.

##### JAPAN DISTRICT: Type II Hydrant Fuel System Project, MCAS-Iwakuni AFTER ACTION REVIEW 2020 Survey and Workshops

Japan District (POJ) requested third-party neutral facilitation for the After-Action Review workshops of this project because of ongoing problems between the key agency players throughout the life of the

project. Workshops occurred 26 June and 1 July 2020. There was concern that the workshops would be confrontational and unproductive. Working directly with the Project Manager at POJ, one USACE Public Involvement Specialist from Hawaii District and one from Los Angeles District strategized approaches for the pending workshops that would both maximize participants' time and minimize opportunities for confrontation. The key strategy included sending out a request for initial written input on project problems and lessons learned. During the workshop, the team walked through the written feedback, focusing discussion on clarifying those specific comments and minimizing opportunities to stray off course.

Key benefits included identification of a clear set of problems and their likely sources, lessons learned, and possible ways ahead. This approach is important because the same agencies must successfully execute several additional projects. A Communication Plan was an identified product in which to include facilitation, with the dual goals of defining communication procedures and establishing a rhythm of meetings for: (1) more effective stakeholder and leadership engagement and education; (2) improved host nation collaboration; and (3) better defined tracking, procedures, roles and expertise.

### **South Atlantic Division — 1 case**

#### **SAVANNAH DISTRICT: South Atlantic Coastal Study Regional Outreach**

The South Atlantic Coastal Study (SACS) is a comprehensive study of current and future water resource needs along the eastern Gulf Coast and the South Atlantic coastlines as well as the territories of Puerto Rico and the U.S. Virgin Islands. The SACS vision is to provide a common understanding of risk from coastal storms and sea level rise to support resilient communities and habitats. This collaborative effort leverages stakeholders' actions to plan and implement cohesive coastal storm risk management strategies.

For public outreach to communities and organizations in coastal Georgia, Savannah District used a contracted facilitator for the SACS Focus Area partnering meetings. In addition to USACE, collaborating agencies included the Georgia Department of Natural Resources, county and local municipalities, non-governmental organizations, and academic scientists. The meetings provided an opportunity to discuss improving coastal resiliency and reducing the risk of damage to infrastructure from coastal storms.

### **South Pacific Division — 5 cases**

#### **ALBUQUERQUE, SACRAMENTO, AND LOS ANGELES DISTRICTS AND SOUTH PACIFIC DIVISION: Navajo Nation Workshop: Strengthening Collaboration in Water Resources Planning and Management**

The USACE Institute for Water Resources (IWR) in collaboration with USACE's Tribal Nations Technical Center of Expertise (TNTCX), Sacramento, Los Angeles, Albuquerque Districts, the South Pacific Division and the Navajo Nation Department of Water Resources, collaborated in a day-long workshop near Window Rock, AZ on March 3, 2020. Workshop objectives were to: (1) provide a forum for USACE to meet with attending Navajo Nation delegates; (2) establish relationships; (3) describe USACE programs (Planning, Emergency Management, International and Interagency Services) and missions, including role of the TNTCX; (4) highlight past and current projects; and (5) hear stakeholder input on the Navajo Nation's water resource challenges, concerns, and best management practices, including what's working and what's not.

Nineteen Navajo Nation participants and fourteen USACE staff collaborated in the working meeting, with facilitation by one specialist from CPCX. The Navajo Nation is currently working with USACE on a variety of projects. Multiple USACE Districts and TNTCX are all involved with different parts of the Navajo Nation due to the large geographical scope and variety of support needs that cannot be met

by a single district. The workshop was a two-way learning exchange focused on eliciting current Tribal needs and priorities while also providing a space to discuss current USACE projects, highlight USACE program opportunities, and explore how Tribes and USACE can best leverage their respective technical expertise and financial resources. Throughout the day participants exchanged ideas on how to improve communication and coordination toward improving current and potential partnerships. District staff provided examples of USACE programs like Tribal Partnership Program, Emergency Management, Floodplain Management Services, and the interagency Silver Jackets program. USACE also discussed how cost-share waivers for Tribes work and other details of how the Navajo Nation can work with USACE. Tribal representatives shared their relevant experiences, discussed water resources related challenges they are facing, and asked questions about how best to partner with USACE.

USACE sponsored the facilitation through the *Strengthening USACE Collaboration with Tribes* effort.

The workshop: (1) provided better insight to Corps missions and relevant projects with Navajo Nation; (2) enabled USACE to hear about water resources issues important to NN communities; (3) provided feedback about how USACE and other agencies can assist; (4) promoted a discussion about developing a charter with the Navajo Nation; and (5) provided a framework for coordinating and prioritizing efforts. This face-to-face forum yielded productive discussions through numerous breakout sessions and reporting back to the larger group. The benefits of and need for continued collaboration was made evident during the forum.

#### SACRAMENTO DISTRICT: Sacramento Weir Widening Project

As part of a \$2 billion, multi-year program to upgrade the aging flood risk management infrastructure in and around the city of Sacramento, USACE is expanding the Sacramento Weir for the first time in its 104-year history. The approximately \$350 million project involves widening the 1950-foot weir by an additional 1500 feet. This effort involves interagency coordination between USACE, the Central Valley Flood Protection Board, the California Department of Water Resources, and the Sacramento Area Flood Control Agency. As part of its work on a Supplemental Environmental Impact Statement / Report for this project, the Sacramento District ran two public involvement engagements in FY 2020.

The first public meeting was held in April, just after the start of lockdowns and social distancing restrictions due to the COVID-19 pandemic. On short notice, the district's team pivoted from plans for an in-person meeting to a virtual one. They erected a website and sent out public invites through multiple channels, both on- and offline. The district's Public Involvement Specialist facilitated the virtual meeting and later presented lessons learned to USACE colleagues in an agency-wide webinar. A second public meeting was also held virtually in August. Both meetings successfully captured a range of comments from stakeholders and concerned citizens -- invaluable input for the ongoing planning process, which should make the eventual construction plans more suitable for local conditions and more acceptable to stakeholders.

#### SAN FRANCISCO DISTRICT: Shoreline Phase II Planning Charrette

The Shoreline Project used facilitated support to guide the study team and stakeholders through the USACE planning process and to develop the project's problems, opportunities, objectives and constraints for this multi-purpose project (Ecosystem Restoration and Coastal Storm Damage Reduction) along the South San Francisco Bay Shoreline.

In Dec 2020 the project team held a two-day in-person workshop with study stakeholders to develop and refine problems, opportunities, objectives, and constraints (POOCs) from Shoreline Phase 1. In attendance were assorted members of the project team, USACE Division and Headquarters representatives, and cost share sponsors; experts from the USACE Environmental Planning Center of Expertise and USACE's Engineering Research and Development Center; representatives of

USFWS-NWR, whose land might serve as the restoration site; and representatives of the South Bay Salt Pond Restoration Project. The result of this kick-off planning workshop was a consensus on the POOCs for Shoreline Phase II.

Facilitation was funded by the Planning Community of Practice under the mentor program. The facilitator was a USACE Planner with some investment in the project, but not a member of the project team; leveraging mentoring/planning in this role was a cost-effective way to provide facilitation.

#### SAN FRANCISCO DISTRICT: Oakland Middle Harbor Technical Advisory Committee Facilitation

San Francisco District engaged a neutral Public Involvement specialist from the USACE CPCX to facilitate Technical Advisory Committee meetings at the request of our non-Federal sponsor, the Port of Oakland, and other stakeholders. During previous Technical Advisory committee meetings, USACE, Port of Oakland, and other stakeholders had grown increasingly frustrated with the lack of progress to provide technical advice on key project components because of conflicts arising during the meetings. FY20 facilitation efforts were focused on facilitating meetings for decision making to clarify which adaptive management methods to implement. Project funding was leveraged to support one Public Information Specialist to work with meeting organizers to complete these tasks.

#### SAN FRANCISCO DISTRICT: San Francisco Bay Dredged Material Management Plan Project Management Plan related facilitation

To gather stakeholder perspectives, comments, and concerns, the USACE project team hosted a series of charette-style meetings to support the early fact-finding phase for the development of the Project Management Plan for San Francisco Bay Regional Dredge Material Management Plan (RDMMP). USACE contracted a 4-person facilitation team to support the fact-finding meetings. The RDMMP will develop a long-range plan for the placement of dredged materials in the region and will coordinate efforts enabling continued safe use of federal channels and support ecosystem restoration and enhancement activities led by other agencies.

Three primary contextual situations require that the project be deeply engaged with stakeholders:

(1) The San Francisco to Stockton deepening project ran parallel to this project's effort. The public release of the draft San Francisco to Stockton report aligned with the first public meeting for the RDMMP. There was confusion from the public as they associated the deepening project with the RDDMP. Additionally, because the Wilmington (NC) District was the lead on the San Francisco to Stockton project, the public meetings for that project were only advertised on the Wilmington District's website and thus many folks in the San Francisco Bay Area were unable to participate in the public meetings. The initial kickoff meeting for the RDMMP saw attendance by many San Francisco Bay to Stockton Deepening project protestors. The protestors made it clear there was resistance to that project, to dredging and USACE projects in general. These timing and communication issues caused significant problems for the RDMMP project team and thus increased the importance of effectively communicating and engaging with our stakeholders.

2) The Long Term Management Strategy (LTMS) goals are hard to define, and thus, clarifying how the LTMS goals align with the RDMMP is also challenging. Agency partners who comprise the LTMS group such as EPA, BCDC, Waterboard and State Lands Commission, were very interested in discussing LTMS goals in their comments; these comments needed to be addressed in the charettes. Additionally, other stakeholders who are not a part of the LTMS are still interested in the outcome of these decisions and were valuable participants in the discussion.

3) Definition of "beneficial use?" Many comments from stakeholders seek to define what exactly beneficial use is. Defining "beneficial use" will be important for sediment management in the region.

To support this fact-finding effort amid the COVID-19 pandemic, the project team had to quickly pivot

to hosting five virtual charettes, each four hours long. The project team contracted a facilitator.

Each charette covered a different sub-category and had 25-40 participants from a variety of agencies, including the EPA, BCDC, Waterboard, Port of Oakland, Port of San Francisco, Port of Redwood City, USFWS, California State Lands Commission. Other stakeholders, including Ducks Unlimited, Sierra Club, Save the Bay, the Dutra Group, Montezuma Wetland LLC, San Francisco Baykeeper, Chevron, Shell and Western States Petroleum Association were also in attendance. The goal of the charettes was to enable our diverse stakeholders to discuss previously submitted comments, share ideas, concerns and priorities for the project moving forward.

This style of coordination and conflict mitigation worked well for the project. The team leveraged the virtual environment to support the needs of the meeting participants. It was quickly apparent that the regimented plan initially developed was unworkable, and the facilitation team pivoted to supporting the needs of attendees who were less vocal. Attendees were receptive to the facilitation and allowed each other the proper time and space to speak. For the remainder of the charettes, we kept some of the original regimented format but allowed for a more open, free-flowing discussion. With note-taking and facilitation, we were able to capture the discussion, which we released in an after-action report.

### **Southwestern Division — 1 case**

#### **GALVESTON DISTRICT: Coastal Texas Study**

The Coastal Texas Protection and Restoration Feasibility Study (Coastal Texas Study), involves engineering, economic and environmental analyses of large-scale civil works projects. The study team comprises USACE and Texas General Land Office (GLO), including their engineering, environmental, and public outreach consultants.

The Coastal Texas Study identifies coastal storm risk management and ecosystem restoration measures to: (1) protect the health and safety of Texas coastal communities, (2) reduce the risk of storm damage to industries and businesses critical to the Nation's economy, and (3) address critical coastal ecosystems in need of restoration. The study area is expansive, covering the entire Texas Gulf Coast from the Sabine River to the Rio Grande; it includes the Gulf and tidal waters, barrier islands, estuaries, coastal wetlands, rivers and streams, and adjacent areas comprising interrelated ecosystems along the coast.

The Coastal Texas Study began in 2007 with congressional authorization to identify and evaluate a comprehensive plan for the restoration and conservation of wetlands, barrier islands, shorelines, and related lands and features that protect critical resources, habitat, and infrastructure from the impacts of coastal storms, erosion, and subsidence. In 2015, GLO was identified as the non-federal sponsor, and funding to initiate the study arrived. With such an expansive study underway and a very well-versed group of stakeholders, the team solicited a contractor to assist with team communications, information products that include a website and printed materials, and to develop a strategy for expansive, effective public outreach to gain as much public input as possible.

Due to the size and scale of the Texas Coastal Study, the team made a deliberate effort to engage the public through many different media. The goal was to share project information in a way that ensured the public had the latest information on the project, the areas of impact, and the way forward. The team established a website solely dedicated to the Texas Coastal Study that included project history and factsheets, study timelines, meeting information, and project impact storyboards. Through these efforts, the study team engaged the public in an open dialogue, promoting a more comprehensive understanding of the study.

As time neared for the team to conduct public outreach events, they planned a series of meetings targeting specific components of the study to communicate risk most effectively. Rather than presenting the entire study in one presentation, this plan also enabled the team to adapt their messaging to specific audiences who might be impacted by study components. To ensure consistent

delivery of information, the team created an introductory video shown at each public meeting that guided participants through the overall study, its current status, and the commenting process.

As COVID-19 became a world-wide pandemic, team members adapted their outreach efforts and were able to continue gathering public input by hosting presentations through a virtual platform. The virtual format also enabled the team to maintain the schedule with minimal delays. Using contract support, the team agreed on a set of engagement rules, supporting website content, and printed materials to ensure consistency. In this way the team was able to capture all public comments for inclusion in the report.

The team developed narrative products based on ESRI mapping tools to assist in visualizing the project area and impacts to stakeholders. These “story maps” enabled the public to envision the estimated impacts of potential flood events and project components and recommendations. The story maps enabled the public to provide feedback and to make informed decisions based on current inundation models.

The team recorded the meetings and posted them to the study website, giving the public additional opportunities to view the presentations in full and to hear all comments. This helped reduce confusion about other on-going studies along the Texas Coast that would impact the same group of stakeholders. Three other organizations besides the USACE Coastal Texas Study are studying solutions for the upper Texas Coast and specifically the Houston/Galveston Region.

To set a standard of transparent communications and to build trust with the community, every meeting for the Texas Coastal Study was hosted at a recurring time, on the same meeting platform and contact number. This ensured the community knew when and where to receive information and had the opportunity to provide feedback. By using a trained communications contractor to facilitate the meetings, the team was able to focus on the public during the comment period to ensure all participants, both internal and external, had a solid understanding of the study comment opportunity.

USACE and GLO are currently compiling the feedback received from these public engagements and are set to deliver the Coastal Texas Study report to Congress in 2021.

## 6. Priority Uses of ECCR

Please describe your agency's **NEW or CHANGED** 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. Please refer to your agency's FY 2019 report to only include new or increased priority uses. **If none, leave this section blank.**

As noted elsewhere in this report, the overriding challenge in FY 2020 was continuing and initiating meaningful, productive collaboration within a primarily virtual context. This was exacerbated by the initial very short (often two weeks or less) time frames for shifting from in-person to virtual engagements. The actions taken to address these challenges were highly successful—well beyond expectations. Generally this meant the use of additional collaborative technology tools and increased/enhanced technology (e.g. bandwidth). However, telephone was used in remote areas where in-person engagement is the standard, and where connectivity is sketchy use was made of local access TV channels and radio stations to conduct public meetings.

To summarize, new and adaptive efforts fell into three main categories as illustrated in the case studies presented in Q5:

**LEVERAGE**: Working with the National Park Service; Columbia University; the local community to combine available resources and expertise and to gain funding (e.g. via grants). Everyone put what they could on the table and shared freely.

**FOCUS**: This year demonstrated a much wider range of cases with a welcome increase in primary focus on proactive; information providing/gathering; and relationship building efforts.

**APPROACH**: Dramatic increase in use, variety, and sophistication of virtual engagements; GPS as a communication and collaboration tool; and widely expanded emphasis on use of the chat feature to gather comments; ask questions and provide a forum for attendee interactions.

In terms of project categories, this year's cases included ECCR activities for comprehensive coastal studies, tribal engagements, lake master plans, navigation projects, flood risk and coastal storm management projects, environmental impact statements and Endangered Species Act cases, regulatory permit decisions, aquatic ecosystem restoration, operations & management (e.g., of dams or locks), partnering efforts, and planning charrettes for smaller studies. As a departure from the norm, this report also includes one case from the military side of USACE, from Japan District in the Pacific Ocean Division, involving innovative measures taken to mitigate conflict, build trust, and move the project forward constructively.

## 7. Non-Third Party-Assisted Collaboration Processes (Optional)

Briefly describe other **significant** uses of environmental collaboration that your agency has undertaken in FY 2020 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.* **If none, leave this section blank.**

USACE proactively addresses potentially controversial environmental issues associated with its projects and programs as early as possible to resolve these issues before they become significant conflicts. Across all Civil Works programs and missions, including navigation, flood risk management, hydropower, water supply, emergency management and ecosystem restoration, USACE promotes and benefits from collaborative working relationships with agency and stakeholder partners.

When engaged in planning and project coordination activities, USACE Districts request early involvement of appropriate federal, state, and local natural resource agencies to actively participate in the planning and implementation process, thus establishing a positive and collaborative working partnership. As part of this process, frequent interagency working meetings are conducted to discuss and resolve stakeholders' concerns. This approach also improves communication and relationships within the USACE organization. Improved communication, both internal and external, cultivates a working environment that improves planning, engineering, and management practices, increases participation from project sponsors, improves data collection and sharing, and improves mutual understanding of USACE and external agency processes.

Below, we report on some of the significant uses of environmental collaboration beyond neutral third-party facilitation by organizing the responses into categories:

- Formal/Institutionalized Working Groups or Agreements (including Silver Jackets)
- Tribal Engagement
- Business Processes and Culture
- Stakeholder Engagement Tools, Workshops and Trainings
- Scientific/Technical Consensus Building

### **Formal/Institutionalized Working Groups or Agreements:**

USACE districts participate in a variety of formal or institutionalized working groups and agreements. Below are some specific examples cited by Districts in FY19, starting with the many cited examples of the Silver Jackets program –Silver Jackets teams bring together multiple state, federal, and sometimes tribal and local agencies to learn from one another in reducing flood risk and other natural disasters.

#### *Silver Jackets*

- Pittsburgh District engages with municipalities to discuss how USACE can contribute to flood risk reduction efforts in their communities. An example of a FY20 collaborative effort includes the Ohio, Pennsylvania, West Virginia, and New York Silver Jacket quarterly team meetings. At these state meetings state, federal, and some local officials meet to discuss common issues and how the different members of the team can work together to address the flood risk issues. The District also notes the use of joint site visits as a useful technique for collaborative problem solving for flooding issues. As a result of the State Silver Jacket team meetings, assistance has been provided to communities that might have otherwise run into a 'dead end' with the one particular agency
- Los Angeles District reports a Silver Jackets initiative on Reducing Flood Risk through Regulatory Engagement where the District obtained enterprise level funding to host two stakeholder workshops and prepare a white paper on the topic of enhancing interagency coordination in the permitting process to reduce flood risk in Southern California.

- The Louisville District continued collaborating with other federal and state agencies, as well as non-profits and universities through the Silver Jackets Program. Louisville District serves as the lead district for the Indiana and Kentucky teams, and serves as an active participant in the Ohio and Illinois teams. This year the teams continued to meet through virtual meetings, and in Indiana we saw an increase of about 10 participants on average via virtual meetings as opposed to in-person meetings. This year data sharing and successful collaboration on sharing resources continued to occur for various flood risk management related topics including floodplain issues, community assistance, fluvial erosion, low head dam removal, and other topics. In Kentucky this year, several communities having flooding issues were identified through the Silver Jackets program and successful Floodplain Management Services efforts were completed (or started) including projects in New Haven, Silver Grove, and Burgin.

*Other Formal/Institutionalized Working Groups or Agreements*

- Mobile District's Regulatory Division finalized a funding agreement with the Mississippi Department of Marine Resources (MDMR) where MDMR will fund a full-time Regulatory Project Manager position in Mobile District to handle the permitting process for all projects where MDMR is the applicant. The resulting Memorandum of Agreement (MOA) will streamline the permit process for MDMR projects, promote early and routine coordination on MDMR projects, provide increased consistency and predictability throughout the permit process, and build greater trust among the agencies.
- Chicago District finalized an interagency MOU with state, local and federal agencies regrading collaboration on changes that were needed (via Section 408) to the completed Jackson Park Great Lakes Fishery and Ecosystem Restoration (GLFER) project associated with proposed construction of the Obama Presidential Center (OPC), from the Chicago Park District.
- Through an MOU with state and federal agencies, St Louis District uses River Resource Action Teams to facilitate early coordination and collaboration with partnering natural resource agencies on Mississippi River related projects including the Regulating Works Project, the Operation and Maintenance Program of the 9 ft Navigation Channel, and Upper Mississippi River Restoration Program.
- Baltimore District entered an innovative MOU with EPA, the state of Virginia, and one of the landowners at the former Nansemond Ordnance Depot Formerly Used Defense Site to expeditiously address risks to human health and the environment from past military activities on site and to facilitate productive reuse.
- San Francisco District reports on an Interagency MOU for permit process procedures and review metrics that governs the multi-agency Bay Restoration Regulatory Integration Team that reviews permits for multi-benefit projects in San Francisco Estuary. The BRRIT began processing permits as a team in August 2019 and this first year of permit review has required discussion between agencies both on individual restoration projects, and on procedures and process. We hope to achieve all the performance goals this year as the review process is fully implemented and conflicts between various regulation requirements are resolved on both a project and policy level.
- The St Louis District reports on the FUSRAP Cooperative Agreement Between the US Army and the State of Missouri that forms the basis for reimbursable services for state participation in state FUSRAP-unique functions. The District also is party to Federal Facility Agreement with state and federal agencies for FUSRAP work at Iowa Army Ammunition Plant to facilitate cooperation in the execution of CERCLA requirements at the project.
- USACE also complete the annual review of the NEPA/404 Merger Process for Illinois. This process has been in place for over 10-years and involves the multiple USACE Districts state and federal agencies. The process streamlines permitting evaluation process, brings all agencies together for project coordination and identifies specific process requirements and timelines. It allows all agencies to have their input and serves as a forum to identify issues and a format for resolving those issues in a

consistent, repeatable process

- USACE's Philadelphia District and its Engineer Research and Development Center partnered with state and local entities to launch the Seven Mile Island Innovation Laboratory (SMIIL). The initiative is designed to advance and improve dredging and marsh restoration techniques in coastal New Jersey through innovative research, collaboration, knowledge sharing, and practical application. SMIIL has subsequently established a working group of additional federal state and local stakeholders (some of whom have regulatory roles in the projects) to provide feedback, ideas and share knowledge and to ensure discussions remained productive.
- As part of the San Francisco Waterfront Flood Resiliency Study, San Francisco District developed the Resource Agency Working Group to support the necessary NEPA compliance as well as the communication, coordination and conflict resolution with the resource agencies. With implementation options estimated in the hundreds of millions of dollars, this project is incredibly significant to the San Francisco region.
- To support the necessary NEPA compliance as well as the communication, coordination and conflict resolution with the resource agencies, the project team developed the Resource Agency Working Group (RAWG). The first series of meetings were hosted by USACE in October 2020 (FY21) but preparations occurred in FY20.
- Memphis, Vicksburg, and New Orleans Districts worked with seven states and 34 federally-recognized Tribes, and other federal agencies to develop a Programmatic Agreement for 143 Work Items needed to protect the structural integrity and stability of the for the Mississippi River Mainline Levee system extending for over 1,600 miles along the Mississippi River. Since USACE initiated the development of a Programmatic Agreement in 2019 parties have held over a dozen meetings to resolve information relating to applicability, points of contact, consultation process, development of areas of potential effect, and treatment measures. A final Programmatic Agreement is in preparation for signatures by the multitude of partners.
- USACE's Rock Island District held numerous listening sessions and work sessions with interested Tribal representatives and State Historic Preservation Offices for Iowa, Illinois and Missouri in updating the National Historic Preservation Act Programmatic Agreement for the PL 84-99 (levee rehabilitation) Program. Other Districts are planning to use this updated Programmatic Agreement as a template for updating their District-specific PL 84-99 Programmatic Agreements.
- St. Louis District reports on the Meramec Feasibility Study Ecosystem Restoration Project where an interagency watershed group meets weekly to facilitate communication across agencies, recognize resources/data that can be shared across projects to leverage dollars, and to identify overlap between projects/missions.
- With the COVID-19 pandemic forcing the their annual meeting to go virtual, USACE's National Hurricane Program worked closely with FEMA and other partners to develop and execute a four-day (2 hour sessions) virtual interagency meeting of the Interagency Coordinating Committee on Hurricanes. Each session included guest speakers and stakeholder feedback activities to replace what is typically an interactive 3-day in-person agenda. Meetings were well attended, and feedback from post-meeting surveys reflected positively on the virtual format.
- After a record flood season that saw multiple applications to rehabilitate damaged levees, Walla Walla District (WA) District agreed with the NMFS and USFWS to pursue a programmatic Endangered Species Act for the levee rehabilitation projects. The Walla Walla District is now committed to pursuing funding for a collaboratively scoped programmatic ESA consultation with the Services.
- As part of the interagency Coastal Wetlands Planning, Protection, and Restoration Act program, New Orleans District used virtual meeting tools such as chat, webcams, and breakout sessions for live voting to enhance public and agency engagement to select, design, construct and monitor wetland restoration

projects in coastal Louisiana.

- Through the Lower Mississippi River Conservation Committee, Memphis District assists federal, state and non-governmental partners in the design and construction oversight of restoration projects in the lower Mississippi.

### **Tribal Engagements:**

As part of the federal trust responsibility, USACE offers consultation on all projects that may affect tribal land or cultural sites. To support these responsibilities, USACE designates Tribal Liaisons to facilitate USACE interactions with tribal governments. Some specific tribal engagements in FY20 included:

- Sacramento District reports success in engaging USACE's Tribal Nations Technical Center of Expertise (TNTCX) to identify a contracting mechanism to allow USACE funds to prepare recovered remains for reburial (including lab space) and hence resolve significant conflict with the United Auburn Indian Community (UAIC) related to ancestral burials, tribal cultural resources, and historic properties affected by the Sutter Basin (CA) Flood Risk Management Project. The TNTCX, uniquely situated to assist as an unbiased intermediary, collaborated closely with both Sacramento District and the UAIC to meet that commitment. The task order, funded by the Project, was successfully awarded on schedule and, at present, the UAIC is working with the TNTCX and its contractor to finalize the work plan and begin the culturally significant process of preparing their ancestors for respectful reburial.
- St Paul District shares information with Tribes in a web-based viewer on all pending and recently issued permits. To engage with tribes outside of the typical consultations on projects, USACE participates in monthly board meetings of the Wisconsin Tribal Conservation Advisory Council. These meetings provide many communication and relationship-building opportunities to dialogue with all resident Wisconsin Tribes, other federal agencies, state agencies, and university-affiliated programs.
- St Paul District's Tribal Liaison reviews all permitting actions under the Clean Water Act Sections 404 and 408 requests for cultural and tribal resources. Several tribes have noted that this new practice has dramatically improved consultation and help build trust under USACE permit evaluations.
- After receiving letters of objection from two tribes regarding the potential installation of art that represented a historic burial mound in USACE's (completed) Horner Park project, Chicago District coordinated a conference call with tribal representatives to provide further information on the artist and the purpose of the installation. Upon request, the District then sent the additional information to all of the tribes and extended the comment period. Ultimately USACE received a letter of no objection from the tribal representative and subsequently issued the (Section 408) permit allowing modification of the USACE project.

### **Business Processes & Culture:**

Standard business processes include public scoping meetings to elicit input from stakeholders as well as regular or situational meetings with other state and federal agencies to consult on upcoming decisions or to streamline working relationships. As USACE conducts activities to implement its Civil Works missions, leadership and staff aim to consult and engage with governmental and non-governmental stakeholders early and often to better outcomes, reduce costs, and improve governance.

Some specific examples of business processes cited by USACE Districts include:

- Three USACE Districts (Vicksburg, Memphis and New Orleans) partnered with an interagency team of over 100 individuals, representing over 50 different resource agencies from 7 states and 34 federally-

recognized Tribes to complete the Mississippi River Mainline Levee Supplemental Environmental Impact Statement II (SEIS). Numerous meetings were held with the cooperating agencies and other Federal and State wildlife and cultural resources agencies and federally recognized Tribes throughout the development of the SEIS to discuss the environmental models used for impact analyses, update the interagency team on the progress of the SEIS, perform technical reviews, and develop the draft Programmatic Agreement cited above. An ArcGIS portal was created to allow the interagency team to review individual Work Items and provide feedback. Due to COVID-19, nearly a year's duration of meetings, data sharing, resolution of conflicts, and other engagements were conducted in a virtual environment

- St Louis District holds an annual Mark Twain Lake Dissolved Oxygen Workgroup meeting with state and federal agencies to improve water releases from Clarence Cannon Dam
- Vicksburg and Memphis Districts host numerous state and federal partners for annual Channel Improvement interagency meetings to discuss the upcoming Mississippi River dike and revetment work. These annual meetings streamline coordination efforts related to channel improvement activities and have set up a framework where separate coordination with individual agencies is no longer required. This coordination has resulted in significant cost savings, and increased collaboration on Mississippi River conservation and restoration efforts across agency and state boundaries. A direct result of these annual interagency meetings, is a joint USACE / U.S. Fish and Wildlife Service conservation plan for the federally endangered interior least tern, pallid sturgeon, and fat pocketbook mussel in the lower Mississippi River, pursuant to Section 7(a)(1) of the Endangered Species Act.
- St Paul District reports use of multiple interagency meetings per year for Fargo Moorhead have strong environmental focus and concerns.
- Norfolk District reports successful interagency coordination meetings and site visits with appropriate environmental agencies as part of the Florida Keys Coastal Storm Risk Management Report and Environmental Impact Statement and the Miami Dade Back Bay Coastal Storm Risk Management Feasibility Study. Similarly, the District reports success through a series of five bi-weekly meetings with NMFS and USFWS to complete consultation packages, identify knowledge gaps, and evaluate feasibility of consultations for the Collier County Coastal Storm Risk Management Coastal Storm Risk Management Feasibility Study and Environmental Impact Statement. The District reports the use of Conflict Resolution Teleconference Calls throughout 2020 with opponents of the Lynnhaven River Basin Restoration, as well as sharing information at a Virginia Beach City Council meeting, and a Virginia Interagency Oyster Restoration meeting that included university experts.
- New Orleans District's decision to embed Local Government Liaisons within state and local agencies allowed USACE to swiftly identify the owners of pumps that had caused stranding of dolphins and to facilitate the dolphins' rescue by NOAA's Marine Mammal Disaster Response unit.
- St Paul District formed a task force for Mississippi River Pool 6 with the City of Winona (MN) to address concerns about dredged material and beneficial use.
- St Paul District reports the public outreach for the Fargo Moorhead Wetland Restoration Projects has transitioned from mostly in person and on site, to many virtual meetings and one onsite meeting. Attendance at the virtual meetings has been good and promoted constructive dialogue. Going forward, the District plans to incorporate a virtual element in meetings, record the meetings, and make videos of site visits & road shows available on YouTube
- For the New Jersey Back Bay's Coastal Storm Risk Management Study, Philadelphia District hosted multiple interagency meetings with other federal agencies in accordance with the One Federal Decision Executive Order (13807). The District also reported improved relationships and public accolades from a formerly critical stakeholder group because of a willingness to listen to the concerns and adjust beach replenishment activities.

- Philadelphia District organized interagency teams, hosted teleconferences, held large public meetings and smaller group meetings to promote information sharing, establish a baseline set of facts and promote productive discussions for the Francis E. Walter Dam (PA) re-evaluation study.
- New York District spearheaded frequent and early communication including group and individual agency meetings, monthly calls with all agencies, and comprehensive emails to avoid conflict and increase efficiency of needed coordination for the South Shore of Staten Island NY Coastal Storm Risk Management project.
- South Pacific's Border District success in working with Customs and Border Protection and construction contractors to develop a successful plant relocation and restoration plan for a segment of border barrier that runs through the Jacumba Wilderness Area in the Yuha Desert, California. Creating this unique plan has helped to satisfy the Department of Homeland Security Environmental Waiver and support the intent of NEPA.
- As part of the Buffalo Bayou and Tributaries study, Galveston (TX) District took the unusual step of releasing an Interim Feasibility Report to allow additional community involvement and share the analysis of potential flood risk resolution measures. USACE's outreach adapted to COVID-19 challenges, by using virtual engagements, establishing a dedicated website for the study, producing project specific newsletters, story maps, and establishing a dedicated email address to receive comments.
- For the San Francisco Waterfront Flood Resiliency Study, San Francisco District co-hosted several structured "In-Progress Review" and "Issue Resolution Conferences" style meetings with local stakeholders and technical experts to come to an agreement on assumptions for the technical analysis.
- For the Wharton Flood Risk Management project, extensive discussions between Galveston (TX) District and USFWS resulted in USACE taking the unusual step of issuing a Conference Report to outline conservation measures that will be implemented if two candidate mussel species are listed as threatened and endangered prior to the completion of construction. Such an arrangement avoids potential construction delays that would otherwise occur if Section 7 consultation had to be re-initiated.

### **Stakeholder Engagement Tools, Workshops and Trainings:**

USACE districts use a variety of stakeholder engagement strategies including public meetings and interactive workshops and regularly occurring meeting and workshops with key stakeholders. Techniques are tailored to the needs and interests of the project and community and include regular community outreach events. Some notable stakeholder engagements in F20 included:

- Detroit District hosted a public meeting with an expert panel discussion focused on the most significant environmental issues that have affected the metro Detroit Downriver area. The meeting was facilitated by the local Congresswoman with panelists from USACE and state agencies.
- Pittsburgh District holds routine meetings with local industry representatives regarding day to day operations during a lock closure on one of the three rivers in our area of operations.
- Building on lessons learned from the 2019 flood fight, New Orleans District expanded stakeholder engagement to hear concerns about the potential operation of Bonnet Carré. Due to the COVID-19 pandemic the stakeholder meeting was held virtually and was able to expand geographic area of targeted stakeholder to include communities along the Mississippi Coast.
- New Orleans District engaged environmental justice communities to develop and implement techniques to ensure those communities could review information and provide comment for the St. Tammany Parish Feasibility Study and EIS. USACE made the recordings of two virtual public more readily available by broadcasting on the parish's public access channel, posted the videos on YouTube, Facebook live, and shared them via St. Tammany Parish social media. To reach those without Internet,

USACE also sent a script of the meeting with a flyer and shared with local leaders.

- As part of its commitment to continual improvement and extensive stakeholder engagement for its large mitigation program, St Paul District hosted four listening sessions, held outreach and training events, and published two newsletters to foster communication with the mitigation community.
- After a 2020 ruling that required all aquaculture permittees to file new individual applications, Seattle District organized a virtual Aquaculture Workshop with industry and environmental community to discuss the impacts of the ruling and provide guidance on submitting new applications. Similarly, the District organized a virtual High Tideline workshop to discuss implications of a ruling on the definition of a high tideline for permitting purposes.
- Prior to the releases of the Mobile Harbor General Reevaluation Report and Integrated Supplemental Environmental Impact Statement, Mobile District conducted extensive public outreach including four general meetings and 20 -plus focus group meetings with seafood interests and commercial fishermen, environmental NGOs, Dauphin Island property owners and interests, and environmental justice communities. Because of the outreach, the District not only explored different dredged material disposal sites, but also modernized its public media strategy to make future dredging operations more transparent.

#### **Scientific/Technical Consensus Building:**

As part of multiple federal responsibilities, USACE often proposes actions that are reviewed, discussed, or vetted with other agency, industry or academic experts. This includes USACE consultation with state and Federal entities regarding specific endangered species or permitting issues, as well as general collaboration across environmental, engineering and scientific aspects of specific USACE projects, studies and efforts. Science/technical consensus-building tools and engagements in FY20 included:

- As part of an effort to develop a Regional Ecosystem master plan for the Great Lakes, Chicago District began the development of a crowdsourced geospatial map that would include completed and planned restoration projects being pursued by multiple agencies. The goal is for the Master Plan to provide input to decision makers in terms of future federal funding for programs and projects. At the Dec 2019 kickoff meeting USACE asked participants to provide their master plans to District staff and upload geospatial data to the ArcGIS crowdsource map shared with meeting participants. USACE was gratified by the level of participation from all of the agencies and NGOs and received positive feedback during the workshop.
- Pittsburgh District reports activating its 2015 Harmful Algae Bloom plan for Allegheny Reservoir that calls for USACE to collect and analyze algae samples weekly, post signage on risk level, and provide weekly reports of sample results and risks to reservoir stakeholders via email and social media. The plan, developed jointly in 2015 with the Seneca Nation of Indians, seeks to mitigate human health and safety risks associated with recreational exposure to cyanobacteria (bluegreen algae).
- Pittsburgh District held a virtual reservoir management scenario building workshop with key stakeholders the Mahoning Water Control Manual Update. The objectives of the workshop were to 1) establish familiarity between recreation, Environmental conditions/water quality, flood risk reduction, and water supply representatives and their interests in the Mahoning River Basin, 2) Create a shared understanding of how the reservoir system is currently managed and how the system will be modeled for this study, 3) Identify reservoir management scenarios and conditions that will meet current and future regional water requirements & interests and, 4) Brainstorm list of criteria for how to measure scenario success. A second workshop in FY21 will use a serious gaming approach to evaluate the scenarios proposed during this first workshop.
- To make technical information on its project with the Bureau of Engraving and Printing more

accessible to the public, Baltimore District developed a “Virtual Reading Room” – an interactive space designed to mimic a public open house – and a Virtual Environmental Impact Statement that provided snapshots of the draft report with synopses and imagery (see <https://www.nab.usace.army.mil/Home/BEP-Replacement-Project/>)

- As part of the South Atlantic Coastal Study, Jacksonville District (FL) undertook significant outreach and engagement with tribes and stakeholders prior to a webinar to solicit feedback on the impact of sea-level rise and coastal storms on cultural resources and to develop methodologies to quantify at-risk cultural resources in the study area.
- As part of Phase II of the South San Francisco Bay Shoreline Study, San Francisco District partnered with USACE’s Engineer Research and Development Center and stakeholders to hold a workshop to kick-off development of a conceptual ecosystem model to describe environmental outputs and to predict end point restoration goals. Following the workshop, 1-on-1 engagement with relevant experts helped modify the conceptual model in advance of a final workshop that took place in FY21.

## 8. Comments and Suggestions on Reporting

Please comment on any **NEW or CHANGED** difficulties you encountered in collecting these data and if and how you overcame them. Please provide suggestions for improving these questions in the future. Please reference your agency's FY 2019 report to identify new/increased difficulties. **If none, leave this section blank.**

**Great Lakes and Ohio River Division:** There was some inconsistency in the interpretation of a sponsor for 3rd party facilitation when district staff were used to fill that role. It appears from the definition that most 3rd party facilitation would require a sponsor. It was unclear how facilitation could occur without a sponsor. The question about a sponsor was also not clear if a sponsor was to be identified or if it was a simple yes or no response. Another area of inconsistency between district interpretation of the questionnaire related to the definition of significance. Example actions are listed in the definition provided but not all districts reported on the same type of actions. This is somewhat subjective and as a reviewer I feel that we are likely under-reporting as opposed to over-reporting based on the definition provided.

**Pittsburgh District:** We had a few conflicts reported that either are actively being resolved or were not resolved through collaborative/innovative means. Is the intent of this report also to capture examples of conflict or challenge that did NOT get resolved and to capture those lessons learned as well?

**Walla Walla District:** It's our first year reporting, although we have much to report on. Such endeavors facilitate better thinking and collaboration, which can lead to better decision making. Please ensure that thinking about how to integrate regularly within the NEPA processes, in particular, should yield long-term benefits.

**Los Angeles District:** The biggest problem is still with spotty response so that accounts for lack of responses on survey questions. Also this being an unfunded mandate, the PI Specialist still hasn't identified a sustainable source of funding for this activity. Mostly it's the time of year that the data call comes, it's late enough that most respondents forget what took place 15 months prior (October 2019 was a long time ago). And the holiday's plus sickness got in the way this year. Each year the intent is to collect information throughout the year, but it's not on the radar throughout the year.

**Southwestern Division:** The early notification of the report suspense was a tremendous help in gathering information, as the requirement is during the holiday season and many folks are taking use/lose leave in addition to taking time off for the holiday. I still ran into a few bumps with getting information because we have tremendous public servants who see their efforts to adapt their approach for public collaboration and input as just "part of the job." They are doing great work and this is a great opportunity to showcase their efforts.

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

Report due Friday, February 26, 2020.

Submit report electronically to: [kavanaugh@udall.gov](mailto:kavanaugh@udall.gov)

**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