

**FY 2016  
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.”*

This annual report format below is provided for the 11th year of reporting in accordance with the memo for activities in FY 2016.

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

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 2016 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 2016 ECCR reports. You may be contacted for the purpose of clarifying information in your report. For your reference, prior year synthesis reports are available at <http://www.ecr.gov/Resources/FederalECRPolicy/AnnualECRReport.aspx>

USACE reports are available at

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

## FY 16 ECCR Report

Name of Department/Agency responding:	U.S. Army Corps of Engineers (USACE)
Name and Title/Position of person responding:	Mr. Chip Smith, 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
Division/Office of person responding:	U.S. Army Civil Works
Contact information (phone/email):	Mr. Chip Smith (703) 693-3655 <a href="mailto:Chip.Smith@hqda.army.mil">Chip.Smith@hqda.army.mil</a>  Dr. Hal Cardwell (703) 428-9071 <a href="mailto:hal.e.cardwell@usace.army.mil">hal.e.cardwell@usace.army.mil</a>
Date this report is being submitted:	January 2016
Name of ECR Forum Representative:	Dr. Hal Cardwell

1. **ECCR Capacity Building Progress:** Describe steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2016, including progress made since FY 2012. Include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases. To the extent your organization wishes to report on any efforts to provide institutional support for non-assisted collaboration efforts include it here. If no steps were taken, please indicate why not.

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

## General Comments

In FY16, the U.S. Army Corps of Engineers (USACE) continued to build programmatic/institutional capacity for both ECCR and non-third-party assisted collaborative environmental problem-solving processes, both at the Headquarters level and across the 38 districts and eight divisions in the U.S. where USACE executes its Civil Works program. While USACE has an ECCR center and other programs that specifically focus on collaborative processes (see discussions below), the bulk of USACE's collaborative activities relate to specific, ongoing Civil Works projects across all mission areas (e.g. flood risk management, navigation, ecosystem restoration, water supply, hydropower, environmental, emergency management, and recreation) and functional areas (e.g. planning, engineering & construction, operations & maintenance, and regulatory).

Across USACE divisions and districts strong support is shown for collaborative problem solving processes through the encouragement and provision of resources and training to staff to implement these processes. From the highest levels of USACE, the leadership commitment to collaboration is unwavering and constantly reiterated.

Rather than rely on third-party neutrals and thus formal ECCR, Districts and Divisions report a preference for a proactive engagement approach with local cost-share sponsors, partners, and the public. Districts and divisions prefer to develop local, state, regional, and national teams promoting collaborative planning to anticipate problems and identify alternative solutions early so as to reduce the likelihood and severity of environmental conflict. We highlight these experiences in the answers to Question 7.

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

The USACE Campaign Plan has embraced collaborative approaches in several goals: [www.usace.army.mil/about/campaignplan/Pages/Home.aspx](http://www.usace.army.mil/about/campaignplan/Pages/Home.aspx). Many of the collaborative activities in this report fall within Goal 2, *Transform Civil Works: "Deliver enduring and essential water resource solutions, utilizing effective transformational strategies."* This goal stresses collaboration in planning and budget development and calls for implementing stakeholder engagement strategies. Goal 3 is *Reduce Disaster Risks: "Deliver support that responds to, recovers from, and mitigates disaster impacts to the nation."* Goal 3 includes an objective to "Enhance interagency disaster preparation and mitigation capabilities" with an associated action to "Improve state-level collaboration with the Silver Jackets program (discussed below and in Question 7). Finally, Goal 4 is *Prepare for Tomorrow: "Build resilient people, teams, systems, and processes to sustain a diverse culture of collaboration, innovation and participation to shape and delivery strategic solutions."* A key objective of this goal is to "enhance trust and understanding with customers, stakeholders, teammates, and the public through strategic engagement and communication." During FY16, strategies and activities were developed and executed at the Headquarters, Division and District levels to implement the collaborative objectives of the Campaign Plan. Divisions provided the following examples:

- One of the four pillars of the FY16-18 NWO Operations Plan is to "deliver the program" (Action 2) (see Attachment A). Under Action 2, NWO calls for "improving delivery of Civil Works solutions in close collaboration with stakeholders" (Task 2.1).
- The Civil Works Research & Development Plan that guides USACE's Engineer

Research and Development Center (ERDC) includes a cross-cutting strategy for collaboration: Multidisciplinary and Integrated Inter-Agency Teams: *“Advance a watershed-based, systems approach to water resources planning and management utilizing multidisciplinary research and engineering talent from across the Corps R&D community; integrate product development teams to incorporate the diverse talent of Corps researchers and practitioners and strategic partners.”*

- In support of the USACE Campaign Plan, the Southwestern Division (SWD) establishes fiscal year priorities via the Regional Management Board (RMB). FY16 priorities focus on strengthening stakeholder and partner relationships, encouraging collaborative approaches to program and project management, building a sustaining workforce through knowledge management, ensuring transparent communications with internal and external team members, and investing in talent management.

The 2014-2018 USACE Civil Works Strategic Plan is based on the principles of Integrated Water Resources Management: a holistic focus on water resource challenges and opportunities that reflects coordinated development and management of water, land, and related resources. The strategic plan builds institutional abilities and capacity for collaborative problem solving which is the core of ECCR processes. One of the cross-cutting strategies of the strategic plan is **Collaboration and Partnering**. USACE must *“build and sustain collaboration and partnerships at all levels to leverage authorities, funding, talent, data, and research from multiple agencies and organizations.”* ([www.usace.army.mil/Portals/2/docs/civilworks/news/2014-18\\_cw\\_stratplan.pdf](http://www.usace.army.mil/Portals/2/docs/civilworks/news/2014-18_cw_stratplan.pdf)). Performance and achievement criteria for the CW Strategic Plan do not specifically include ECCR-related measures beyond annual USACE customer satisfaction surveys (see answers to question 2).

USACE Civil Works Transformation continued to gain momentum in FY16, with the objective to *“...promote enhanced capabilities and greater involvement, ownership, concurrence and commitment among internal USACE team members, local sponsors and partners.”* Major elements of Civil Works Transformation, such as “SMART” planning, Watershed Informed Budgeting, and Alternative Financing require increased and earlier collaboration with partners and the public. SMART planning, for example, uses third-party facilitators to lead planning charrettes across the nation.

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

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

#### Environmental Operating Principles

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

### Public Participation Policy

USACE's Collaboration and Public Participation Center of Expertise (CPCX) has proposed a new USACE Public Participation Policy and has catalogued current USACE policies that guide public involvement in different mission areas. Proposed content for an agency-wide policy includes definitions, principles, and methods for how public involvement should be conducted across USACE. Draft Public Participation Principles are:

- 1) *Coordinate Internally*
- 2) *Be Prepared*
- 3) *Build Relationships and Trust*
- 4) *Maintain Open and Two-Way Channels of Communication*

Such a policy would give confer greater justification, guidance and top cover to Corps staff engaging in public participation efforts, enabling more appropriate and meaningful interactions.

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

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

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

- Omaha District maintains staff in the Public Affairs Office (PAO) and an Outreach Specialist in the Planning Branch to assist the district with stakeholder engagement and public involvement activities. One full-time Public Affairs Specialist in PAO supports Missouri River Recovery Program communication efforts. The District supports the Planning Branch's Outreach Specialist continuing as a member of the CPCX's National Public Involvement Specialist Cadre.
- The Flood Risk and Floodplain Management Section of the Hydrologic Engineering Branch has a Silver Jackets coordinator responsible for assisting Silver Jackets' teams in multiple states in several districts.
- Louisville District relocated their Outreach and Silver Jackets Coordinator Position to the Executive Office to align more accurately with the responsibilities of this position, ensuring higher visibility and greater access to funding.
- Pittsburgh District has an Interagency Coordinator/Specialist whose primary role is to assure effective communications with project sponsors, other local, state and Federal agencies and the public to prevent conflict later.
- The South Pacific Division created a senior level Watershed and Floodplain Program Manager position, demonstrating the region's executive and command level commitment to multi-agency and multi-stakeholder collaboration to reach water resources solutions that meet broad goals and objectives.

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

Finally, USACE has worked to expand its virtual infrastructure that supports ECCR. USACE Engineer Research & Development Center (ERDC) has revamped its Wiki Facilitation page with resources for facilitators. There are currently 43 USACE facilitators listed in the Find a Facilitator database offering their services to others in the Corps. CPCX created a Collaboration Wiki with information on how to collaborate virtually with internal and external audiences.

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

#### Collaboration and Public Participation Center of Expertise (CPCX)

Created in October 2008, the mission of CPCX is to help USACE staff anticipate, prevent, and manage water conflicts, ensuring that the interests of the public are addressed in USACE decision making ([www.iwr.usace.army.mil/cpc/](http://www.iwr.usace.army.mil/cpc/)). CPCX is comprised of a small staff at IWR and Liaisons at each Division.

In FY16, CPCX published an evaluation report, Assessment of the Public Involvement in Flood Risk Management Pilot Program in coordination with USACE's National Flood Risk Management Program. This assessment reviewed the implementation of recommendations from the 2010, post-Katrina report "Flood Risk Management Public Involvement Framework & Implementation Plan." Twelve flood risk management projects piloted collaborative approaches to public involvement in USACE's flood risk management mission. Focus areas included hurricane evacuation studies, dam safety modification studies, and planning feasibility studies.

In addition, CPCX continued to expand its Public Involvement Specialists Program, another recommendation from the 2010 report. Public Involvement Specialists serve as internal consultants operating at the district level to support specific USACE projects across all USACE mission areas to enhance two-way communication and collaborative problem solving with stakeholders. Their responsibilities include assessing the need, timing and approach to public engagement, developing public involvement plans, designing effective public involvement forums, and completing public involvement activities. In FY16, two Public Involvement Specialists were added bringing the total to 20 serving districts in all eight of USACE's Civil Works Divisions. In FY16 Public Involvement Specialists

- Provided technical assistance to over 50 projects including workshop/meeting design, facilitation, public involvement planning, and product development.
- Built awareness and capacity for Collaborative Resources & Processes by developing "Brown Bag Training" modules and Value of Collaboration fact sheets
- Supported Silver Jackets program & USACE's Government-to-Government relationship with federally recognized tribes,
- Supported Levee Safety Communication Planning

Since the roll-out of the USACE Public Involvement Specialists program in FY14, Divisions have reported taking more notice of in-house capabilities and are increasing the use of Public Involvement Specialists and their skills on more controversial projects.

In addition to activities supported by Public Involvement Specialists, CPCX continued to use its internal staff, USIECR, and contractors to provide technical assistance to

districts, divisions, USACE-HQ and other stakeholders on collaborative processes, including Shared Vision Planning, facilitation services, training, and courses on public involvement, risk communication and conflict resolution. These activities are reported on in appropriate places in this report.

In FY16, CPCX supported the HQ-USACE Levee Safety Program through a new Public Awareness and Communications Team (PACT). The PACT was formed to support the USACE Levee Safety Program in developing, tracking and implementing public awareness, risk communication and sponsor/stakeholder engagement activities. It plays a central role in coordinating approaches, activities and materials related to external communication and engagement across Levee Safety Activities. To date, the PACT has provided training and support to increase internal capacity and effectiveness among district staff for developing communications strategies and plans.

During FY16, CPCX continued to support the development of collaborative modeling approaches through the design and implementation of the Iowa-Cedar Multi Hazard Tournament in collaboration with Rock Island District, the City of Cedar Rapids, NOAA, USGS, DOE, and multiple other partners. The tournament used Shared Vision Planning principles to promote stakeholder discussions of tradeoffs on flood, drought and other water resource risks. In addition, CPCX joined with UNESCO's International Center for Integrated Water Resources Management and the Global Water Partnership to develop a prospective paper and 2017 forums on advances in collaborative modeling including use of scenarios, use of gaming, and international experiences.

In FY16, the USACE Collaboration and Public Participation Community of Practice (CoP) expanded its membership from 600 members in FY15 to 610 members USACE-wide. The CoP published four editions of its CPP CoP newsletter *Collaboration Corner*, including a special edition based on the retirement of two senior officials instrumental to the development of the collaborative capacity of USACE staff, and sponsored multiple webinars on collaboration, conflict resolution, risk communication, and public involvement challenges, tips and successes. The CoP also provides information through an interactive web portal and fosters a network of USACE facilitators from across USACE Divisions and business lines. The CoP established a new program in FY16, the "Gnarliest Collaboration Challenge" an effort to identify the most difficult collaboration challenges in the agency and fund a neutral third party to resolve these challenges. Four cases were selected for support in FY17 addressing needs in USACE's Navigation, Flood Risk, Recreation, and Water Supply mission areas.

#### Tribal Nations Technical Center of Expertise

The Tribal Nations Technical Center of Expertise was established in 2016 to better facilitate the Corps' ability to support our Tribal responsibilities that the federal government has to tribes resulting from Federal Trust Doctrine, Treaties, statutes, regulations, Executive Orders, and agreements between the United States government and Tribal governments. The dedicated Center will provide a cost effective administrative tool, one that will benefit the Corps and Tribal Nations, through improved control, consistency, data acquisition and management of Tribal initiatives.

#### Silver Jackets Program

Across the nation, USACE continues to build capacity in state-led "Silver Jackets" teams that advance collaborative problem solving for flood risk management. Forty-four states have active Silver Jackets teams that bring state and federal agencies together to help address state flood-risk management priorities. Although each state Silver

Jackets team is unique, common agency participants include state agencies with mission areas of hazard mitigation, emergency management, floodplain management, and natural resources management or conservation. Federal participation typically includes USACE, Federal Emergency Management Agency and often others such as the National Weather Service and the U.S. Geological Survey. To continue building their ECCR capacity, districts supported staff members' attendance at the FY16 USACE Flood Risk Management/Silver Jackets Workshop. The workshop allowed staff to meet with partners from various agencies to share experiences with interagency projects and address opportunities to develop shared solutions for flood risk challenges.

#### Outreach Programs

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

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

- CPCX teamed with District experts and other partners to teach the following courses and deliver various related webinars. These training activities reached a total of 1290 students across USACE and, to a lesser extent, other federal and state agencies.
  - Collaboration and Conflict Transformation in Multi-Party Processes
  - Teambuilding and Leadership for Planning Associates
  - Facilitation and Multiparty Problem Solving skills for working with Native American Tribes
  - Effective Communication for Regulatory
  - Tribal Consultation Training for St. Paul District Regulatory
  - Risk Communication Training Workshop at the Association of State Floodplain Managers Annual Conference
  - Levee Safety Risk Communication Training
- CPCX supported developmental assignments for two staff from other parts of USACE to join CPCX for 90 days to support regional and national collaboration, risk communication, public participation and conflict resolution activities.
- The ERDC's Facilitator Exchange Forum continues to provide quarterly webinars, newsletters and webpages to 200+ facilitators across USACE. Facilitation training has been provided to 46 ERDC employees to date. Webinar topics in FY 16 included: Horicon Marsh Planning Assistance to States Conceptual Modeling Workshop, Gnarliest Collaboration Challenge, Conflict Resolution Styles Assessment, Difficult Conversations, and Rule of Holes and Other Survival Tips for the Communications Jungle. 247 individuals representing up to 34 different entities attended the live webinars. In addition to attendees from across USACE, some webinars also had representatives from other federal and state agencies, private sector and academia partners, as well as representatives from Army, National Guard, and Air Force. The archived webinars and associated facilitation pages

received 48,143 page hits. Two facilitation/collaboration related Journal articles have received 145 views on Research Gate.

- In 2016, Omaha District provided a 3-day training workshop on communicating levee safety/risk with levee sponsors and the public. The district also supported staff members attending the following trainings: “Risk Communication and Public Participation” and “Risk Management” (five-week graduate-level course funded by HQ-USACE through Notre Dame of Maryland University).
- In Honolulu District the Regulatory and Civil Works support individuals using ECCR and seem to generally be open to investing in support, programs, or trainings as required by individual staff on a case-by-case basis.
- USACE’s Collaboration and Public Participation CoP is partnering with USIECR to promote USACE involvement in the Udall Certificate in Environmental Conflict Resolution. Twenty USACE employees took USIECR classes in FY16.
- The USACE Civil Works Directorate and ERDC continued building the core competencies of facilitation and collaborative problem solving by providing support for the online Fundamentals of Facilitation and Conflict Resolution training.
- Divisions and Districts are expanding their roster of facilitators via the USACE-wide “Find a Facilitator” network on the Natural Resource Management Gateway.
- Several public involvement specialists and CPCX staff attended the 2016 Association for Conflict Resolution Environment Public Policy Conference, which included a preconference training on conflict resolution, mediation, and facilitation.
- Louisville District Office of Council staff members are required to take courses that allow attorneys to participate in litigation, mediation, and ADR on contracts to include environmental contract actions. Attorneys perform these conflict resolution functions as key members of District teams to resolve pending District matters.
- St. Paul District’s Regulatory Branch worked through USIECR to contract the Consensus Building Institute to provide Tribal facilitation through third-party assisted collaborative problem solving related to ECCR objectives. This supports St. Paul District goals regarding up-front collaboration via the design and implementation of collaborative tools, techniques, and processes to facilitate effective tribal consultation, enhance communications with tribes and non-tribal stakeholders, and develop conflict resolution processes. St. Paul District awarded a second contract to the 106 Group for developing internal programmatic ECCR guidance. The goal is to develop strategies and approaches for transparent and effective tribal engagement processes, enhanced communications, and streamlined conflict resolution processes, to minimize current and future conflicts and misunderstandings and improve decision-making during permit evaluation.

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

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

##### Customer Satisfaction Survey

To solicit feedback on customer/stakeholder satisfaction with USACE, districts are encouraged to send annual surveys to customers and stakeholders. In the case of Omaha District, all survey results are shared with Branch Leadership and ratings below

2.0 (out of 5.0) or dissatisfied responses are shared with Executive Leadership. Project Managers are encouraged to follow up with customers and stakeholders who provide low ratings and customer survey scores are incorporated into their performance objectives.

Project Review Board Briefings

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

**2. ECCR Investments and Benefits**

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

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

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

(a) This ECCR report continues to be the primary tool that is used annually across the organization for identifying and documenting ECCR investments and benefits. This year, Division Liaisons conducted quarterly data calls for this data, which resulted in more thorough responses.

USACE uses several tools for tracking and evaluating ECCR-related activities periodically. Annually, USACE Districts survey USACE partners and stakeholders using the "Customer Satisfaction Survey." Every five years, CPCX administers a quantitative survey and holds division-level workshops to assess USACE's collaborative capacity. To support the annual ECCR data call CPCX also increased its focus on tracking activities of the center's staff and field partners so as to better capture ECCR activities in USACE. CPCX also submitted revised ECCR-related evaluation surveys to OMB for approval.

Field staff in Civil Works (Planning) mentioned that their Project Management Plans have some information on public involvement costs that could assist with tracking; however, not every project keeps these plans up-to-date, nor do all projects have public involvement plans.

Metrics which are or could be used to measure ECCR investments include:

- Cost of third-party facilitators (especially contracts for this support)
- Labor and travel costs for staff supporting ECCR activities (feasible for employees dedicated to these activities full time)
- Labor support provided specifically for ECCR activities associated with special designations (Public Involvement Specialists and Silver Jackets coordinators)
- Training related expenses
- Meeting attendance

- Meeting documentation, including accomplishments
- Number of webinars delivered and attendance
- Number of employees trained and affiliated expenses

b) Please report any (a) quantitative or qualitative investments your agency captured during FY 2016; and (b) quantitative or qualitative results (benefits) you have captured during FY 2016.

The investments and benefits captured for specific projects are listed in Table 1. In addition to these, USACE staff identified general investments and benefits.

Investments include routine budgeting and support of personnel time for interagency engagement on all studies.

This year, USACE staff recognized a large range of benefits, both direct and indirect, from ECCR activities generally, although the majority can only be tracked qualitatively. These include:

- Cost savings / costs avoided
- Timely project progression by avoiding litigation, clearing policy hurdles and meeting planning process requirements
- Collaborative interagency planning, improved working relationships, expedited reviews, and knowledge sharing
- Awareness and access to information and resources owned by various agencies
- Better planning for early dialogue, information exchange with the right parties for more informed decision making
- Improved working relationships with stakeholders, including a common understanding of USACE and stakeholder authorities, policies, roles and responsibilities
- Efficiencies by reducing duplicative efforts and leveraging the resources and expertise of a stakeholder community
- Development of technical tools that can help create a shared vision or understanding of technical information, such as SimSuite and LifeSim
- Development of public messages and information plans
- Furtherance of our agencies' missions
- More durable and comprehensive study solutions
- Improved stewardship of environmental and natural resources, socio-economic factors, and infrastructure
- Increased community resilience

TABLE 1: Investments and Benefits in ECCR activities by USACE in FY 2016.

<b>PROJECT / INITIATIVE</b>	<b>LEAD</b>	<b>INVESTMENTS</b>	<b>BENEFITS</b>
Formal	CPCX	Multiple trainings and	Increased skills and awareness of

training to enhance ECCR skills among USACE staff		workshops, including 27 in-person courses/workshops, 11 webinars, and 1 self-paced on-demand course. Over 1290 USACE staff and partners attended these events.	ECCR among USACE workforce.  Clarified actions to improve USACE culture to support collaboration.
Public Involvement Specialists	CPCX	\$230k to support labor, travel and training for 20 specialists in districts	Improved coordination and relationships with Tribes, sponsors, stakeholders and partners at all levels of government; improved access to information assists with timely progression (and thus costs savings) of Civil Works projects, Regulatory actions and furtherance of USACE mission; and more resilient ecosystem restoration projects.
Facilitation Webinars	ERDC	17 webinars (multiple topic areas: ecosystem restoration, facilitation, dredging and navigation, invasive species, etc.)	Webinars had 798 attendees and 151,236 webpage hits.
Facilitated Meetings (Multiple)	ERDC	Labor and travel for participation.	<u>Reached 1273 attendees for meetings</u> Furtherance of agency mission and cost savings. Projects identified and prioritized. Interagency coordination on joint project accelerated project delivery and significantly reduced costs. Shared best practices and emerging issues.
Silver Jackets Program	IWR and all U.S. Districts	\$3 Million to support staff labor and expenses for fostering interagency coordination and related collaborative activities.	The investment in relationships and projects realizes states that are better able to respond to, and reduces the risk associated with natural hazards.
Dominion Virginia Power (Dominion) Surry-Skiffes Creek, Whealton Aerial Transmission Line Project over the James River, South of Jamestown, VA	Norfolk District	Hired facilitators from the University of Virginia's Institute for Environmental Negotiation	Resolution still pending.

Chesapeake Bay Oyster Restoration project	Baltimore District	Continued collaborative efforts - held a facilitated public meeting in the summer, incurring \$2,000 for facilitator services.	Quantitative benefits for savings and conflict avoided have not been calculated. Qualitatively, the resulting solution involved changes that could be made to the construction plans with only minimal impact to the contract and schedule.
Everglades Restoration Transition Plan and USFWS	Jacksonville District	Used neutral third-party facilitators to assist with difficult negotiations with the U.S. Fish and Wildlife Service (USFWS).	The culmination of these negotiations was USFWS issuance of a Jeopardy Biological Opinion to Jacksonville District for implementation of the Everglades Restoration Transition Plan.
Saginaw River Deepening feasibility study	Detroit District (LRE)	Up front collaboration with USEPA and Michigan Department of Environmental Quality (MDEQ) on the sediment sampling and analysis plan to support plan formulation. Labor and travel costs for stakeholder engagement meetings was not quantified.	Facilitated interagency sharing of existing sediment data and interagency review and interpretation of the subsequent preliminary sediment sampling and analyses results. LRE was initially contemplating the need for significant additional sampling activities, but a coordinated review with MDEQ and USEPA of the sediment sampling results determined that additional sampling was not needed at this time. The investment was minimal relative to the estimated \$250,000 in additional sampling and analyses that was saved and the additional 5-6 months it would have added to the schedule.
Enbridge Line 3 Replacement pipeline in northern MN/WI	St. Paul District	Two contracts were used: MVP's Tribal Facilitation IDIQ contract and the Tribal programmatic collaboration/coordination contract (both engage 3rd parties.); Also, 5 employees support this work, including the project manager.	The benefits resulting from this effort include cost savings, furtherance of our agencies' regulatory mission, improved working relationship with stakeholders, litigation avoided and timely project progression.
Cherry Creek Water Control Plan Modification Study	Omaha District	\$3,500 for CPCX facilitator	Costs avoided: (1) not having to hire a non-USACE third-party facilitator and (2) not having to pay travel and other per diem expenses since facilitator was local.
Dallas Floodway Project	Fort Worth District	Quarterly interagency steering committee that engages senior leadership and executives	Opportunities for conflict transformation and collaboration on sensitive issues and concerns for all organizations involved.
East San Pedro Bay Ecosystem	Los Angeles District	Organized a participatory stakeholder brainstorming workshop for 75	Stakeholder buy-in of the plan formulation process, validation of past inputs and new ideas for Project

Restoration Feasibility Study	(SPL)	attendees with eight in-house facilitators from SPL and the City of Long Beach	Delivery Team (PDT) to consider early in the process.
Corte Madera Creek Flood Risk Management Project	San Francisco District	In-house labor for collaboration with the Resource Agencies and other partners/ stakeholders/ sponsors	Through quarterly meetings with the Resource Agencies as well as three public meetings, the Corte Madera Creek PDT was able to identify two new Alternatives that are now included in the Final Array of Alternatives. This outreach and coordination work has started to reduce conflict with the public and the resource agencies by demonstrating how the Corps is willing to incorporate input into the Alternatives Analysis. Record of key stakeholder concerns and feedback and concurrence on key decisions from various stakeholders including representatives from the resource agencies, agricultural interests, environmental NGOs, and private property owners within project study areas.
Coastal Sediment Management (CSM)	San Francisco District & South Pacific Division	In-house labor for Participation in CSM Workgroup (CSMW) meetings and in the development of several coastal regional sediment management plans.	The CSMW uses the information to advance the California Sediment Master Plan. Its evolution is evidence of the benefits of stakeholder involvement.
Upper Guadalupe River Flood Risk Management Project & Guadalupe Watershed Integration Working Group (GWIWG)	San Francisco District	In-house labor for Coordination with GWIWG. Design of each segment of the Upper Guadalupe project requires GWIWG review (this is a permit condition). Funding for GWIWG participation is included in annual section budgets under the construction effort.	Feedback regarding regulatory concerns and ability to focus our efforts on areas of significant concern.
Berryessa Creek Flood Risk Management Project	San Francisco District	In-house labor for conflict resolution actions related to Berryessa. USACE received written correspondence from the Regional Water Quality Control Board that it had concerns about its ability	The benefit to the District and the project is that this conflict resolution has identified a need for earlier coordination with the Regional Water Quality Control Board, as well as caused the District to achieve greater understanding of the scope and reach of the Water Board's authority under the Clean Water Act. It

		to give Section 401 certification to the project. Conflict resolution ensued after that point.	was extremely important to partner with our non-Federal sponsor in this conflict resolution. This particular non-Federal sponsor (the Santa Clara Valley Water District) is one of our most important partners, and remaining in lockstep throughout the conflict resolution protected the interests of both USACE and the Water District and strengthened that relationship.
Climate Change Initiatives	Albuquerque District	In-house labor and labor from other MSC's to support collaboration with USBOR and other partners/ stakeholders/ sponsors; labor for "unassisted collaborative problem solving" to address stakeholder and collaborator climate change impact concerns for watershed, general investigation, and other studies; in-house labor to support climate change outreach to SPD managers, vertical teams, and others within SPD and USACE.	Improved coordination with Tribes, sponsors, stakeholders and partners at all levels of government; avoidance of duplicative efforts with Federal partners; improved access to information assists with timely progression of SPA Civil Works projects and furtherance of USACE mission; and more resilient ecosystem restoration projects.
Various	Honolulu District	No formal assessment	Verbal reports of satisfaction from permit applicants and an absence of litigation has been observed.
District Silver Jackets collaboration effort	Alaska District	External facilitator was hired	Alaska District has been able to establish an expanded charter thanks to the effort of our external facilitator.
Planning Studies (multiple)	Great Lakes & Ohio River Division	Developing collaborative capacity	Many tangible results, perhaps none more important than <u>a shift in the culture</u> . For example, instead of doing 2/3 of the planning science and engineering work to solve a particular water resource problem, then engaging the sponsor, other stakeholder organizations and the public at the end of the decision-making process, project teams <u>now routinely engage the local sponsor and key stakeholder organizations from the onset</u> of a planning study in a partnership to best manage our water resources.

Graduate Certificate in Risk Management (Notre Dame of Maryland University)	HQ USACE	USACE covered tuition and fees for 23 students at a cost of \$24,175 for university classes in Risk Communication.	USACE is investing in developing experts across the organization to be familiar with risk activities, including risk communication
Communication Training Workshops for Levee Safety	HQ USACE	Estimate of \$250K expended to support participants to attend District workshops. 162 USACE staff attended.	Better coordination among team on this effort. Clarity on how to develop effective messages; of expectations for the initiative; of how to engage with the various stakeholders.
Levee Safety funding for the development of Engagement Strategies and Communication Plans	HQ USACE	Districts were provided funding specifically to support coordination among staff across the Districts to develop and socialize Engagement Strategies. \$800,000 was spent on District staff labor on this task (December 2015 through December 2016)	
Levee Safety Public Awareness and Communication Team	HQ USACE	\$500K invested to support the team's labor and travel for all activities, including preparation and facilitation for workshops	

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

South Atlantic Division reported that their qualitative evaluation of ECCR benefits was sufficient and appropriate, with no challenges in tracking.

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

- USACE financial tracking continues to be by project, not by activity type, so tracking the ECCR-related expenses would create an additional administrative burden. This is true despite the use of Project Management Plans and Communication Plans. Districts have limited capacity to revisit these plans, and they do not track ECCR-related activities separate from overall project metrics. South Pacific Division attributed the lack of procedures to the ad-hoc nature of these activities. Staff would prefer not to recommend additional administrative burdens on their projects.
- Expenses for hiring external facilitators or mediators is easy to track, as demonstrated in the tracking table above. However, in the many cases where ECCR-related work is supported by internal USACE staff, labor is typically tracked by project rather than task, so it not tracked.
- Most benefits are qualitative or intangible. For example, Norfolk District recognized benefits of bringing parties to better understanding of the conflict (even in absence of consensus) but could not quantify these benefits. Additionally, ERDC noted that future cost avoidances (litigation, construction delays, etc.) are challenging to predict and capture.

Future Tracking – 2017 goals

- Louisville District will investigate available means to capture and maintain better quantitative data on costs and benefits resulting from collaboration.
- South Pacific Division suggests capturing costs and benefits in the Risk Register for future projects.
- Honolulu District's new Public Involvement Specialist will gather information from other districts in the division and implement an assessment methodology.
- In the coming year(s), CPCX will request our field representatives to track qualitative or quantitative investments and benefits along with tracking of projects.

**3. ECCR Use:** Describe the level of ECCR use within your department/agency in FY 2016 by completing the table below. [Please refer to the definition of ECCR from the OMB-CEQ memo as presented on page one of this template. An ECCR “case or project” is an instance of neutral third-party involvement to assist parties in a collaborative or conflict resolution process. In order not to double count processes, please select one category per case for decision making forums and for ECCR applications.

	Total FY 2016 ECCR Cases <sup>2</sup>	Decision making forum that was addressing the issues when ECCR was initiated:					ECCR Cases or projects completed <sup>3</sup>	ECCR Cases or Projects sponsored <sup>4</sup>	Interagency ECCR Cases and Projects	
		Federal agency decision	Administrative proceedings /appeals	Judicial proceedings	Other (specify)	Federal only			Including non-federal participants	
<i>Context for ECCR Applications:</i>										
Policy development	_____	_____	_____	_____	_____		_____	_____	_____	_____
Planning	15	14	_____	_____	1	Inter-agency process	11	5	1	13
Siting and construction	_____	_____	_____	_____	_____		_____	_____	_____	_____
Rulemaking	_____	_____	_____	_____	_____		_____	_____	_____	_____
License and permit issuance	7	4	_____	_____	3	Tribal; inter-agency process	4	3	_____	5
Compliance and enforcement action	_____	_____	_____	_____	_____		_____	_____	_____	_____
Implementation/monitoring agreements	1	1	_____	_____	_____		_____	1	_____	1
Other (specify): _____	_____	_____	_____	_____	_____		_____	_____	_____	_____
<b>TOTAL</b>	<b>23</b>	<b>19</b>	<b>0</b>	<b>0</b>	<b>4</b>		<b>15</b>	<b>9</b>	<b>1</b>	<b>19</b>

<sup>2</sup> An “ECCR case” is a case in which a third-party neutral was active in a particular matter during FY 2016.

<sup>3</sup> A “completed case” means that neutral third party involvement in a particular ECCR case ended during FY 2016. 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 2016 cases it should equal total ongoing cases. If you subtract sponsored ECCR cases from Total FY 2016 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 2016 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 2016**). Please limit the length to no more than 2 pages.

##### Everglades Restoration Transition Plan

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

Jacksonville District contracted with USIECR to assist with facilitation of the Everglades Restoration Transition Plan (ERTP) Endangered Species Act consultation that resulted in a Jeopardy Biological Opinion for the endangered Cape Sable seaside sparrow. Jacksonville District and the USFWS Vero Beach Ecological Services Office jointly funded USIECR for facilitation, mediation and negotiation support services between February and July 2016. Jacksonville District realized that third party assistance was needed for ERTP after over 12 months of unsuccessful negotiations with USFWS to develop technically feasible alternatives to protect the endangered Cape Sable seaside sparrow. This case is completed and involved Federal agencies.

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

USIECR staff attended regular meetings with Jacksonville District and Department of the Interior staff, including staff from USFWS, National Park Service (Everglades National Park) and U.S. Geological Survey. Initially, scoping meetings were held to identify issues. After two initial meetings, USIECR implemented a tiered approach to decision-making in which there was a Leadership Team and a Technical Team. The Technical Team's charge was to ensure that valid science was used to formulate reasonable and prudent alternatives and make recommendations to the Leadership Team. The Leadership Team's charge was to weigh the information provided by the Technical Team and decide on a course of action.

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

USIECR's assistance was beneficial and contributed to a favorable outcome, i.e. compliance with Section 7 of the Endangered Species Act (ESA) culminating in a Jeopardy Biological Opinion on July 22, 2016. Earlier attempts had failed to produce a biological opinion. The use of a facilitator also helped to maintain positive relationships with USFWS and other Department of the Interior staff.

Reflections on the lessons learned from the use of ECCR

Neutral facilitators were very useful in this type of negotiation. It would have been more helpful to have facilitators on board earlier in the process as well as facilitators who were better schooled in the technical details. At times, the Technical Team needed to educate the facilitators which slowed down the process. To USIECR's credit, the ERTP Section 7 ESA consultation was highly complex and technical.

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

**Completed in FY15**

**Army Installations 2035 Futures Workshop.** In April 2016, the Office of the Assistant Secretary of the Army for Installations, Energy and the Environment led a workshop designed to explore new ideas and ways of thinking about the basic role of Installations, the models used to deliver service and most importantly, Installation support to overall Army Readiness. A vision and concepts for future installation opportunities, benefits, challenges and risks for 2035 and beyond was desired. Economic, environmental and societal drivers were considered during the effort. Twenty-eight Army/DOD organizations were represented, along with representatives from the General Services Administration, academia and Federally Funded Research and Development Centers. OASA (IE&E) recruited a team of four neutral facilitators to help plan and facilitate the event. The team consisted of a Research Biologist/Certified Professional Facilitator from ERDC (lead), a U.S. Coast Guard Commander/Strategic Planner, an Army Colonel Military Fellow from the Army Strategic Studies Group, and a Management Analyst (also a veteran) from HQUSACE. Each facilitator was funded by their respective organization. Environmental concerns identified by the groups included a desire to: reduce the footprint of installations, be ecologically efficient, sustainable and resilient (Net Zero and beyond), and to consider potential impacts from climate change. This workshop was described by OASA (IE&E) as a unique strategic planning endeavor in which multiple Component representatives and stakeholders were brought together to help plan for installations of the future. The OASA (IE&E) observed that it was “a splendid workshop and that things ran seamlessly.” The Deputy Assistant Secretary of the Army for Strategic Integration noted that the workshop was “an unprecedented success.”

**Baltimore District Chesapeake Bay Oyster Restoration.** In 2015 local watermen that work the waters in the Tred Avon River raised concerns about a pending oyster reef restoration contract that was nearing commencement. USACE worked with the non-federal sponsor, the Maryland Department of Natural Resources, to hold meetings and field investigations with the watermen and representatives of the Governor's office in order to find a way forward for project construction. A third party facilitator was utilized in the summer 2016 and project funded. The solution involved changes that could be made to the construction plans with only minimal impact to the contract and schedule. The organization of a facilitated meeting format engendered cooperation among governmental and nongovernmental participants. The Baltimore District continues to collaborate with the stakeholders, including the watermen. Meetings are held as needed. Quarterly meetings with USFWS continued in 2016, without third party conflict management.

**Honolulu District Regulatory Branch.** Honolulu District Regulatory Branch was involved in public meetings following severe flooding on Maui that were facilitated by a third-party hired by the State. The District Public Involvement Specialist also employed conflict resolution skills during meetings between resource agencies and permit applicants. Conflict resolution and facilitation skills are critical for Regulatory program managers who often must resolve issues relating to permitting activities that impact environmental resources. They must identify a path forward after considering the differing views while maintaining professional relationships between all participating parties.

**Alaska District Silver Jackets Program and Planning Charettes.** Alaska district had

been working with stakeholders to establish the Silver Jackets Program as a state-run program with limited success. They brought in a facilitator from the Indiana State Hazard Mitigation Office to facilitate and share her lessons learned/experiences from a successful Silver Jackets program. The hope was to show the State and the rest of the team how Silver Jackets could be successful without USACE as lead. The Alaska District: We were able to gain buy-in from the State agencies as well as expanded buy-in from other federal agencies. We expanded our Charter to 8 members making it easier to accomplish things as an executive committee. It will also expand our capability and make us more viable for the State of Alaska. Additionally, on three occasions during FY16, the Alaska District Civil Works branch brought in external facilitators to assist in collaboration efforts for planning charettes, per Branch Policy.

**Folsom Dam Joint Federal Project Water Control Manual Update.** The Sacramento District Folsom Dam Joint Federal Project Water Control Manual Update is studying ways to improve flood risk management performance by utilizing the regulated release capacity of the new auxiliary spillway to be completed in 2017. However, the dam has multiple purposes and is a key reservoir of the Central Valley Project operated by the U.S. Bureau of Reclamation. In order to establish an open forum of communication with stakeholders and project partners, an outreach program was established in 2012 and facilitated by the Center for Collaborative Policy as a third party facilitator. The stakeholder outreach program began with a series of workshops that included stakeholders from each Folsom Dam project purpose (Flood Risk, Water Supply, Water Quality, Recreation, Wildlife Management, Hydropower), soliciting comments, concerns, and suggestions to consider through the study process. A series of regularly recurring workshops and publicly-noticed information sessions were held on a quarterly basis, or as new information was available to be shared. Beneficial outcomes of this program were a more transparent decision-making process that utilized stakeholder feedback to help identify a proposed new operation that successfully met the study's flood risk management and dam safety objectives and avoided significant effects to the Dam's other project purposes. While the stakeholder outreach program was successful, it is important to recognize the level of effort required from key project technical team members to develop presentation material, present the material, and evaluate the feedback provided.

**Sacramento District Partnering Meeting.** Sacramento District hired the public involvement specialist from Los Angeles District to facilitate a conflict between the district project manager, his customer the Army Reserves 63<sup>rd</sup> Region, and a contractor providing operations and maintenance (O&M) services to the Army Reserves. The contractor was not moving out efficiently with a contract award and there was poor communication of expectations by all parties. The Public Involvement Specialist worked with the PM to help address areas of conflict and challenges. Key steps included preconditions for meeting facilitation and flexibility during the meeting to adapt the agenda to address severe conflicts. By participating in a facilitated partnering session, the team was able to identify multiple issues and concerns, categorize them, and provide an opportunity to address them in a proactive manner.

**Corte Madera Creek Flood Risk Management.** The San Francisco District used an internal facilitator to address stakeholder concerns around the Corte Madera Creek FRM project over how the project will implement FRM measures in their community. The District's Public Involvement Specialist was partially funded by the CPCX to develop the Project

Public Involvement Plan as well as facilitate three public meetings and follow-up meetings with various stakeholder groups. As a result of the three public meetings, quarterly meetings with the resource agencies and several targeted stakeholder group meetings held in FY16, the USACE team developed two additional alternatives for evaluation. Although these measures had previously been screened out based on the Best Professional Judgement and limited data available at the time, stakeholder input and resource agency input spurred a more detailed parametric cost assessment of the screened measures as well as the measures included in the focused array. The Measures requested by the stakeholders for further analysis were found to be competitive with those presented at the Alternatives Milestone.

**Coastal Texas Protection and Restoration Workshop.** The Galveston District is conducting the Coastal Texas Protection and Restoration feasibility study. This study will identify and evaluate the feasibility of developing a comprehensive plan for flood risk management, hurricane and storm risk management and ecosystem restoration for the coastal areas of the State of Texas. The District hosted a four day Engineering Workshop for the study utilizing a third party facilitator. The workshop engaged internal and external engineering experts for a discussion of the relative engineering and environmental merits and pitfalls of an array of engineering structures being evaluated for storm surge risk management in Galveston Bay, Texas. The facilitator's assistance was employed by IWR and funded by HQUSACE. The facilitator led the meetings, articulating and tracking key points of the discussion, ensuring full engagement of all participants and a thorough discussion. Utilizing the third party facilitator was beneficial to the process and allowed transparent discussion and sharing of technical information and ensured that all parties were able to fully participate.

**Campus Park / Horse Creek Ranch Project: Tribal Coordination Meeting.** In November 2015 this meeting was held to reach agreement amongst multiple Indian tribes on a draft Memorandum of Agreement for National Historic Preservation Act (NHPA) section 106 compliance for a proposed permit decision. It was facilitated by the Regulatory Division/South Coast Branch Chief and Project Manager from Los Angeles District. The meeting generated positive feedback from its 15 attendees consisting of tribal representatives, historic preservation officers, attorneys, and Corps staff. Benefits include stakeholder involvement in drafting of formal documents and validation of current inputs and new ideas.

### **Ongoing cases**

**Missouri River Basin Interagency Roundtable (MRBIR).** Members of MRBIR, including the USACE Northwestern Division, seek opportunities for collaboration, coordination, and communication among the federal agencies to facilitate more comprehensive interagency efforts that would normally be beyond the scope of just one of the agencies. MRBIR is facilitated by a third party neutral (USIECR), rotates the Chairperson among the federal agency members, holds monthly conference calls, and meets in person twice yearly.

**Missouri River Recovery Management Plan.** In 2016 the Omaha and Kansas City Districts, the USFWS and the Missouri River Recovery Implementation Committee (MRRIC) continued work on the Missouri River Recovery Management Plan (MRRMP) and Environmental Impact Statement (EIS), a comprehensive planning effort coordinating

Endangered Species Act (ESA) requirements for the Missouri River. Two independent panels are associated with MRRIC: the Independent Science Advisory Panel (ISAP) is charged with reviewing scientific information and products generated by the lead agency teams and the Independent Socioeconomic Technical Review panel (ISETR) is charged with reviewing socioeconomic aspects of this effort. A Draft EIS (DEIS) and accompanying Science and Adaptive Management Plan was released to the public for comment on December 16, 2016. The DEIS evaluates the direct, indirect, and cumulative impacts of six alternatives designed to meet endangered species objectives. The ISAP and ISETR are providing an independent review of the DEIS and supporting documents and will issue a report of their findings in Spring of 2017. The transparent building of species' conceptual ecological models and quantitative models and detailed review of interim reports by an independent science panel appears to have greatly increased the trust in the science and has allowed it to be used as a credible basis for the development of alternatives to be analyzed in the DEIS.

**Rock Island District Sandpiper Pipeline.** Enbridge Corp. planned to install the Sandpiper Pipeline across northern MN and WI. On roughly the same footprint they planned to replace the existing Line 3. The footprint overlaps tribal reservation boundaries or passes in close proximity to them. A third party (IWR CPCX) assisted with the tribal collaboration which is ongoing in FY17. IWR's involvement enhanced the early collaboration among agencies, tribes, project sponsors, and affected stakeholders in order to incorporate and address their interests and minimize delays in making informed and timely Federal permitting and review decisions.

**Honolulu District Regulatory Branch** is involved in several ongoing third-party facilitated efforts, including "kaizen" meetings to resolve public conflict between the Department of Health, Clean Water Branch, and several stakeholders including elected officials and government agencies; and a federal interagency team to develop tools to assess impacts and potential mitigation for impacts to coral reefs.

**Port Everglades Improvement Project.** The project's Non-Federal Sponsor contracted with a third-party to assist with facilitation of pre-construction environmental compliance for the navigation channel deepening project. Prior to project implementation, Jacksonville District has reinitiated a Section 7 Endangered Species Act consultation with the National Marine Fisheries Service (NMFS) and the District is preparing a supplemental National Environmental Policy Act compliance document. Due to the high level of controversy associated with a similar navigation channel deepening project for Miami Harbor, the use of a third-party facilitator is anticipated to help the project delivery team work collaboratively with resource agencies to complete environmental compliance tasks. The first interagency meeting involving the Non-Federal Sponsor and Federal and state agencies was held in July 2016. Additional meetings will occur throughout Fiscal Year 2017 to facilitate completion of the Section 7 ESA consultation and other environmental compliance actions.

## 6. Priority Uses of ECCR:

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

In FY2016, USACE divisions and districts employed ECCR in seven thematic priority areas. Some cases are more challenging than others, and in these collaborative efforts a third-party neutral is sometimes employed. Priority uses of ECCR often entail multi-party groups focused on multiple cross-cutting issues rather than one individual issue.

The following topics are those areas that USACE divisions identified as priority or emerging areas of conflict where 3<sup>rd</sup> party ECCR was employed in 2016.

### **Water Security**

Water security continues to be a focus for USACE nationally and globally, along with sustainability and resiliency in the face of climate change and natural uncertainty. Collaboration is essential for addressing these challenges as demonstrated by ERDC's 2016 partnership with USACE districts and academia to draft the Hydrogeomorphic Guidebook for the Piedmont region in support of the Clean Water Act 404 permitting process. Furthermore, various districts are employing collaborative and conflict resolution efforts at USACE reservoirs that supply water to surrounding communities. Communities are increasing need of water and more than ever are coming to the Corps requesting additional water storage. For example, the Nashville District has been working on a water supply reallocation study at J. Percy Priest (JPP) Dam and Reservoir for seven years. A new drought of record showed that the expected yield of storage at JPP had dropped by around 30 percent, which caused great concern among users and necessitated the initiation of a series of third-party facilitated meetings that will continue in 2017 via the CPCX's Gnarliest Collaboration Challenge.

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

Many of the priority uses of ECCR occur because of statutory requirements such as NEPA, ESA and the NHPA. Often USACE Divisions consult with the state and Federal entities with relevant expertise regarding threatened and endangered species, sediment and water quality issues, timing of projects and a host of other scientific and available technical tools and models to address issues of concern. They also consult with Native American tribes on issues relating to the NHPA.

Threatened and endangered species have been the impetus for many interagency, collaborative processes in USACE. For example, Jacksonville District reports that third-party facilitators were employed to assist with very technical and controversial Section 7 Endangered Species Act consultations.

### **Regulatory Program Decision-Making**

Many Districts engage with multiple agencies in ongoing partnerships on regulatory program decision-making challenges. For example, regulatory branches in San Francisco and Baltimore have developed and maintained fora through which permit applicants can regularly present to all federal agencies involved in the Corps CWA Section 404 and RHA

Section 10 permit process. Honolulu District intends to adopt this practice, demonstrating cross-district learning and transfer of good practices.

### **Disaster Risk Management & Recovery**

ECCR can be an important element in infrastructure projects for flood risk reduction and recovery, which often have environmental consequences. In FY16, ECCR processes were employed to improve a number of such projects, such as the Sacramento River Flood Control Project (vis-à-vis a General Re-evaluation Report). The Coastal Texas Protection and Restoration Feasibility Study, described in some detail under Question 5, above, is another example of the use of ECCR to improve the process and outcomes of disaster risk management.

Sometimes ECCR processes can reveal new knowledge about existing organizational roadblocks, potentially spurring improvements in protocols and practices. For example, in FY16 a USACE facilitator ran a planning charrette for the Lowell Creek Diversion Tunnel in Seward, Alaska, a flood risk management project. During this charrette, the facilitator identified internal (USACE) guidance challenges between the Dam Safety Modification Mandatory Center of Expertise and the Flood Risk Management Planning Center of Expertise.

### **Navigation**

USACE reports use of collaborative processes to address the environmental concerns that may accompany maintenance dredging for navigation. For example, USACE used participatory planning charrettes in the Mobile Harbor Deepening project.

### **Riverine Ecosystem Restoration**

Ecosystem restoration projects frequently call for ECCR efforts, often in the form of planning charrettes. The South Pacific Division frequently enacts such charrettes. Some examples in FY16 include Sacramento District's Yuba River Ecosystem Restoration Study and San Francisco's Dry Creek Ecosystem Restoration Study.

### **Native American Tribal Coordination**

Many Districts report employing ECCR to inform and coordinate with Native American tribes in FY16, including Detroit, St. Paul, Huntington and Pittsburgh. In the Rock Island District, Enbridge Corp. planned to install the Sandpiper Pipeline across northern MN and WI. The footprint overlaps tribal reservation boundaries or passes in close proximity to them. A third party assisted with the tribal collaboration, which is ongoing in FY17. Focus on Sandpiper has since been eclipsed by attention to the Dakota Access Pipeline.

**7. Non-Third-Party-Assisted Collaboration Processes:** Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2016 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.*

USACE proactively addresses potentially controversial program or project environmental issues as early as possible to resolve these issues before they become significant conflicts. Across all Civil Works programs and missions, including Deep Draft Navigation, Flood Risk Management, and Ecosystem Restoration, USACE promotes a positive and collaborative working relationship with its agency and stakeholder partners and benefits from the resulting positive relationships. Below we report on some of the significant uses of environmental collaboration by dividing the responses into four areas:

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

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

- The USACE Chicago District is actively involved in the Great Lakes Restoration Initiative, a collaborative/coordination effort between 16 Federal Agencies to decide what steps are necessary to help restore the Great Lakes, the Great Lakes Basin, and Great Lakes resources.
- The USACE New Orleans District (MVN) has been a key member of the National Disaster Recovery Framework's efforts addressing catastrophic flooding across Louisiana in March and August of 2016, leading to major Federally-declared disasters in the State. The Corps is the lead coordinating agency among multiple other Federal partners such as FEMA, DHS (Infrastructure Protection), EPA, USDA, DOT, DOE, and others for the Infrastructure Recovery Support Function (IS-RSF). This role requires deploying field coordinators, and leveraging resources and recovery options, not only at the federal level, but through various state and local governments as well. Additionally, the IS-RSF works to identify cross-cutting challenges to the other recovery support functions (such as Economic, Housing, National and Cultural Resources, etc.) to better inform the State on its recovery strategies.
- USACE is an active participant in interagency efforts to manage environmental conflict and to collaborate on sustainable solutions in California's Sacramento-San Joaquin Bay-Delta. USACE is one of six federal agencies participating in the Federal Leadership Committee under the California Bay-Delta Memorandum of Understanding.
- USACE participates in the Urban Waters Federal Partnership with other federal agencies for the Los Angeles River to ensure cross-coordination across different plans and projects to meet region's goals for the river. USACE also takes an active leadership role in Urban Waters pilots in Puerto Rico, Saint Louis, and New Orleans.

- Huntington District's Operations actively participates in the Huntington District Waterways Association. This association is made up of representatives from the District, Coast Guard, and industry to coordinate navigation activities and engage with stakeholders.
- The NWO District Commander serves on the Bakken Federal Executive Group (BFEG), a group established to improve communication and coordination among states, tribes, federal agencies, and industry to acquire, synthesize and share expertise and science-based information to address priority information needs to maintain environmental quality and to support timely decisions regarding oil and gas resources in the Bakken Formation and Williston Basin in North Dakota.
- Nashville District and LRD are signatories to, and participants in, a Regional Memorandum of Understanding (MOU) with The Nature Conservancy (TNC).
- USACE's three California Districts have implemented a NEPA/404/408 Integration MOU and WRDA section 214 Funding Agreement with the California High-Speed Rail Authority (Authority) and in coordination with the EPA. This partially funds dedicated USACE staff, allows the Authority to actively engage and seek input from resource and regulatory agencies in monthly interagency meetings or workshop on specific topics, and ultimately achieves improved coordination and communication between USACE and the Authority.
- USACE participates on the Western States Federal Agency Support Team (WestFAST), a collaboration between 12 Federal agencies with water management responsibilities in the West. WestFAST was established to support the Western States Water Council (WSWC) and the Western Governors Association in coordinating Federal efforts regarding water resources and developed a collaborative approach to problem solving is also being applied at the state level.
- The Los Angeles District Regulatory office helped establish an Executive Working Group with California's Department of Transportation (Caltrans) to support a recently executed 5-year funding agreement/MOA, to identify and prioritize non-compliance cases for resolution, identify training opportunities to increase awareness among Caltrans staff and leadership, and explore programmatic initiatives to assist Caltrans with their ongoing permit requirements.
- USACE is a member of the California Coastal Sediment Management Workgroup (CSMW), which provides an avenue for federal, state, and regional agencies, local coastal communities and other interested stakeholders to coordinate on conducting studies, beach nourishment, harbor maintenance, habitat restoration, and providing recommendations and requests for resolving coastal sediment management and related environmental issues that arise as a result of the sediment imbalances.
- Mobile District Regulatory Division has become an active member of the interagency Strategic Habitat Unit working group in Alabama, which explores and implements ways to collaboratively address endangered species and water quality issues in priority watersheds throughout Alabama.

- Mobile District and the Choctaw Nation of Oklahoma have recently engaged in a joint effort on USACE Tennessee-Tombigbee Waterway project lands to authorize tribal members to gather plants and medicines native to the ancestral home land of the Choctaw people. This work was the product of a two year collaborative effort between USACE Mobile District and the Choctaw Nation of Oklahoma resulting in a 5-year Memorandum of Agreement (MOA) and authorization for tribal members to gather culturally significant plants and other traditional natural resources.
- The Southern California – Dredged Material Management Team, an interagency team comprised of representatives from USACE, the California Coastal Commission, various Regional Water Quality Control Boards in southern California, and EPA is responsible for the coordinated review of dredging projects and dredging policy issues within the Southern California area.
- Sacramento District participates in many levels of the Bay Delta Conservation Plan (EcoRestore and CA WaterFix) processes where state, federal, and local agencies, and other interested parties work to manage water flow and habitat restoration actions for the recovery of endangered and sensitive species and their habitats in the Sacramento-San Joaquin River Delta.
- SPA co-leads the Middle Rio Grande Endangered Species Collaborative Program, which is responsible for coordinating efforts among 16 Federal, State, local and Tribal signatories to restore habitat for endangered species along the Rio Grande in New Mexico. The District plays a critical role in ensuring regional cooperation in several critical areas, and is assisted by SPA staff in these actions.
- USACE has participated on the California Coastal Sediment Master Plan (SMP), a cooperative, multi-agency effort to develop comprehensive plan for management, restoration, protection and preservation of the sediment resources along the coast of California. Under the SMP, Regional Sediment Management Plans (RSMPs) have been implemented along the California coast to provide guidance for local coastal managers to make science-based decisions in resolving issues and disputes arising from regional coastal erosion-related impacts and needs.
- Sacramento District's Planning, Regulatory, Emergency Management and Operations offices participate in the Interagency Flood Management Collaborative Program. The focus of the group is to facilitate communication between USACE, California Department of Water Resources, local reclamation districts, and various Federal and state natural resource and/or permitting agencies on Flood Risk Management along the Sacramento River and its tributaries.
- Across the country, USACE Districts reported on the successes of state-led interagency Silver Jackets teams to advance collaborative problem solving related to flood risk management. 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.

## Business Processes and Culture

Because of the breadth of USACE responsibilities - from regulatory to planning to construction to operations and maintenance of water resources infrastructure across the country - districts across the country expend a significant amount of time and resources to build collaborative relationships with other federal and state agencies and stakeholders to prevent, avoid or resolve environmental issues and conflicts. Below we highlight some “business processes” that USACE employs to promote collaboration and conflict resolution.

- Many USACE districts have developed and institutionalized working relationships with USFWS and transportation agencies, as well as other agencies, to coordinate and collaborate on communication strategies, environmental concerns, and NEPA review and documentation. For example:
  - Chicago District’s Great Lakes Mississippi River Inter-Basin Study for Brandon Road Lock and Dam (GLMRIS-BR) study team reached out to USFWS to assist with stakeholder coordination utilizing the USFWS Coordination Act. This collaboration allowed for a formal and structured pathway to coordinate with other federal and state agencies to identify environmental concerns and recommendations associated with the construction of a biological control barrier at that lock and dam, to be used in formulating the NEPA documentation and developing the final recommended plan for the project.
  - Many Districts reported regular face-to-face and telephone meetings with USFWS field offices to share proposed actions and coordinate activities and management plans such as:
    - Detroit District’s collaboration with USFWS on migratory bird issues at Confined Disposal Facilities.
    - Huntington, Nashville, Mobile, Baltimore, Los Angeles, San Francisco, Sacramento Districts, and others, each coordinated with their respective USFWS field offices on ESA consultation for Navigation O&M.
    - Mobile District’s Regulatory Branch meets with USFWS as well as other agencies to coordinate on issues related to coal mining.
    - Charleston District worked with USFWS as well as state agencies on concurrence with endangered species and coastal zone consistency determinations in the Lake Marion Regional Water System, Murrells Inlet Federal Navigation, and the Myrtle Beach Reach Three Renourishment Project
  - Wilmington District collaborated with USFWS and The Nature Conservancy develop a reservoir operational change that will provide long-term ecological benefits for 92,000 acres of bottomland hardwood forest in the Roanoke River floodplain.
  - Nashville District’s Regulatory Division responded to feedback (from Tennessee Department of Transportation, Federal Highway Administration, and the public) of a programmatic Endangered Species Act consultation for the Nashville Crayfish by organizing a multi-agency

meeting to listen to and address concerns. USACE and USFWS addressed the feedback by incorporating user suggestions, and simplifying and streamlining requirements. The effort reinforced USACE and USFWS commitments to providing a strong level of protection for the endangered Nashville crayfish, incorporating strong science into the decision-making process, and deepened relationships between the agencies and customers.

- USACE Districts have developed and institutionalized a working relationship with tribal communities to communicate needs and concerns and to coordinate appropriate procedures and responses with the tribal groups. Many districts and divisions meet with tribal communities at least annually, providing a forum for the tribes to present their goals and USACE to present USACE Civil Works authorities, which may be used to meet the tribe's needs. In addition, districts often conduct additional engagement with tribal communities. For example:
  - Pittsburgh District's Planning and Water Quality offices worked extensively with the Seneca Nation of Indians and water resource agencies to develop a Section 1135 plan to assist the Nation with Harmful Algal Blooms in the Allegheny Reservoir.
  - The New England District is working with a Tribe both in the U.S. and its counterpart members in Canada for a Watershed Assessment Management Plan (WAMP) for habitat restoration of the Meduxnekeag River with the Houlton Band of Maliseets in Maine. In April 2016, NAE participated in an international cross-boundary summit meeting hosted by the Houlton Band of Maliseets and Canadian First Nations in Houlton, Maine to discuss salmon restoration and other common interests within the Saint John Watershed. In addition to USACE and the Tribal Nations, participants included USF&WS, USGS, NMFS, EPA, BIA, United South and Eastern Tribes, the International Joint Commission (US and Canadian representatives), and the US State Department. On the Canadian side, participants included: Environment and Climate Change Canada, Global Affairs Canada, and Fisheries and Oceans Canada. As a result of this summit, future planning is taking place for a follow-up meeting to be held in November 2016 and to be tentatively hosted by the Kingsclear First Nation near Fredericton, New Brunswick, Canada.
  - The MRRP offers additional Tribal outreach and coordination support to ensure that Tribes are aware of all efforts made along the Missouri River, including:
    - MRRP engaged in 8 individual Tribal meetings to ensure Tribes are aware, updated and engaged in the various programs and activities. In addition to these outreach efforts, a concerted effort was made to address strong concerns expressed by several Tribes regarding the Cultural Resource modeling in the Management Plan/Environmental Impact Statement (MP/EIS). Along with this continuing effort, plans were developed regarding how to consult with the Tribes upon the release of the

MP/EIS.

- MRRIC has increased Tribal participation by two Tribes. The additional Tribes and outreach done throughout the year assisted in the above-mentioned meetings and encouraged those participating Tribes to work closely with the Corps and to encourage other Tribes to provide input to the MRRP and MP/EIS efforts.
- The District Regulatory Program was involved in a number of meetings and Tribal consultation associated with oil pipeline projects, reservoir expansion, Nationwide Permit Renewals, and mining programs. Additionally, the District conducted outreach and coordination efforts in preparation for and during the 2016 flood season.
- District & Division Tribal Liaison and Outreach Coordinators from the South Pacific Division continued coordination with the Navajo Nation regarding essential services needed for cultural resources restoration/preservation, flood risk management, infrastructure improvement and ecosystem restoration. In January 2016, ASA(CW) visited the Navajo Nation and Albuquerque District.
- The Sacramento District Tribal Partnership Program Outreach program staffed by planners, environmental managers, and cultural resources specialists, regularly meets with tribes from California, Nevada, Utah, and Arizona. Other tribal coordination and consultation with tribes was conducted on numerous District projects.
- Tribal Liaisons and tribal outreach coordinators in all four Districts of SPD consulted regularly with Native American tribes in the SPD region. Each consultation represents formal collaboration and communication designed to foster input, productive discussion, and issue resolution before it arises to a level needing 'conflict resolution.' This includes 'Partnering Meetings' with the executive leadership of specific Tribes where numerous issues are discussed and conflict resolution takes place.
- Charleston District's close coordination and communication with natural resource agency partners, including SCDNR and the NMFS regarding Charleston Harbor Entrance Channel Maintenance Dredging, lead to Charleston District's decision to halt further maintenance dredging during fiscal year 2016. The District made this decision because of concerns over the incidental take of endangered or threatened sea turtles.
- Charleston District invested significant time and effort in early collaboration efforts for the Charleston Harbor Post 45 Feasibility Study. This involved extensive coordination and communication with several agencies to reach consensus on viable beneficial use opportunities. The agencies included the NMFS, USFWS, EPA, South Carolina Department of Health and Environmental Control) and the South Carolina Department of Natural Resources. These efforts allowed the study to stay on schedule and resulted in

trust-based collaboration, relatively few comments generated during public reviews, and the attainment of all required environmental clearances, approvals, and certifications within a very tight schedule.

- During FY 2016, certain South Carolina county requirements were resulting in direct conflict with the Corps' avoidance/minimization requirements regarding wetland impacts. During meetings with these counties, the Charleston District Regulatory Program created a road map for our agencies to work together to achieve consensus.
- Los Angeles District is engaged in regional multi-agency efforts, including locally-led Integrated Regional Water Management Plan efforts throughout southern California, and the Rivers and Mountains Conservancy efforts. Through its involvement with the Southern California Wetlands Recovery Project the District's Regulatory Office co-leads the interagency review team in developing an area-wide in-lieu fee program to restore wetlands, quantify the ecological lift, and ultimately sell credits to permittees within the area.
- Galveston District develops local and regional Interagency Coordination Teams to promote collaborative planning, anticipate problems, and identify alternative solutions for proposed navigation, flood risk management, and ecosystem restoration projects. All Civil Works planning studies, regardless of size or scope, utilize interagency teams to identify potential areas of environmental conflict in project implementation as well as O&M early in the planning process and to build mutually-acceptable solutions to environmental challenges posed by some projects. This process does not involve "neutral third parties". Each team is chartered, and all state and federal resource agencies are invited to participate.
- New Orleans District serves as the Program Administrator in the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA) Program. This program includes almost daily collaboration and communication with four other federal agencies and the state of Louisiana on the planning and implementation of coastal restoration projects across Louisiana's coast. At the program's annual Regional Planning Team (RPT) meetings in January 2016, federal agencies, members of the public, and the coastal parishes proposed coastal restoration projects for CWPPRA's Priority Project List. In February of 2016, the proposed projects were narrowed down to 22 nominees based on land loss rates within the coastal basins. USACE chairs the CWPPRA Technical Committee and the CWPPRA Task force, which are both composed of EPA, NOAA-NMFS, FWS, NRCS, and Coastal Protection and Restoration Authority. The parishes and members of the public stay engaged where appropriate throughout the CWPPRA planning process. Public comment is accepted in writing as well as at every Technical Committee and Task Force meeting.
- Many USACE Districts hold public events to explain regulatory issues, such as

compensatory mitigation, to both inform the public and pre-empt potential conflict, including Nashville District's multi-agency outreach, Sacramento District's quarterly Regulatory Program Workshops, and Omaha District North Dakota Regulatory Office's workshop focused on USACE permitting authority under the Clean Water Act and the Rivers and Harbors Act.

- The Honolulu District Regulatory Branch has an existing programmatic agreement with NOAA's NMFS for Endangered Species Act consultation and is in the process of developing a programmatic agreement with NMFS for Essential Fish Habitat consultation.
- The North Atlantic Division's continued implementation of the North Atlantic Coast Comprehensive Study, submitted to Congress in Jan 2015 through the North Atlantic Coast Focus Area investigations, requires considerable environmental collaboration as coastal communities face tough choices in order to prepare for climate and sea level change.
- The SPA Climate Science Specialist has actively engaged with other agencies and the public on the issue of Southwestern U.S. climate change impacts to regional hydrology.
- In FY2016, the Southwestern Division conducted over 100 routine stakeholder engagements and participated in numerous partnering forums to collaborate and share information between multiple organizations. These efforts, designed to build programmatic and institutional capacity for collaboration and conflict resolution, have become part of the standard business process of the Division and each District. These are important opportunities for partners to network, exchange ideas, and identify opportunities for collaboration from the leadership to the field level. Examples include:
  - Southwestern Division: The Division hosts two annual "Command Weeks" which feature a panel discussion and site tour of key projects. The Spring Command in March 2016, used a USACE facilitator, featured a systems approach customer panel that consisted of customers involved in USACE levee and dam safety projects in North Texas.
  - Galveston District: Hosted two Stakeholder Partnering Forums for non-federal sponsors, customers and agency partners. These events provided a neutral environment for the partners to provide a community perspective on ways the Galveston District can improve value to the nation across Civil Works and Regulatory business lines. More than 50 stakeholders from 15 different projects participated in each event.
  - Little Rock District: Hosted a collaborative inland navigation stakeholder engagement effort with the Mississippi Valley Division called the Low Water Crossing. This engagement simultaneously provides stakeholders a water tour of the inland navigation project area, interaction with Corps leadership and project managers, and provides an opportunity for collaboration from the leadership to the field level.
  - Tulsa District: Hosted two day-long Partnering Listening sessions for

their Civil Works and Military customers to provide them feedback, suggestions and work one-on-one with District leadership.

- New York District's Planning Branch continues to participate in the Regional Air Team, a collaboration with EPA, New Jersey and New York State regulators on the Clean Air Act, formed in 1999 to address the regional compliance requirements for the New York District's Navigation program. The interagency team continues to resolve conflicts that could delay or suspend construction on the navigation program.
- New York District's Regulatory Branch hosts a monthly meeting: the NJ Joint Permit Processing meeting which is typically attended by representatives of USFWS, NMFS, EPA, NJ Fish and Game, and NJ State Historic Preservation Office. These regularly scheduled meetings serve to avoid costly delays to projects by seeking agency input early in the coordination process, and can reduce the impact of a project to natural resources while meeting the applicant's project purpose.
- Nashville District's Regulatory Division uses a dispute resolution process for approval of mitigation banks by Interagency Review Teams under 33 CFR Part 332.8(e).
- USACE Districts have use a formal appeals process for jurisdictional determinations and Department of the Army permit decisions (33 CFR Part 331). Under the Corps administrative appeal process, an individual permit decision, including its terms and special conditions, or approved jurisdiction determinations, may be appealed to the Division Engineer.
- In March 2016, the 3,500 page Final EIS for the Northmet mining project and land exchange was published. This report was jointly and collaboratively prepared by the US Army Corps of Engineers, St. Paul District, MN Department of Natural Resources and the US Forest Service, Superior National Forest. The report was extensively reviewed and coordinated with many stakeholders to enhance environmental collaboration and reduce the risk for conflicts.
- As a part of the Savannah Harbor Expansion Project, Savannah District has worked with the Georgia Department of Natural Resources to extend hopper dredging windows and obtain approval for use of bed leveler devices for clean-up operations during navigation channel dredging. The use of a bed leveler device during dredging clean-up operations avoids the risk of sea turtle entrainment in the hydraulic drag-head of a hopper dredge.
- Mobile District Regulatory Division participates in ongoing coordination with the Georgia Power Company to establish Programmatic General Permits for Georgia Power reservoirs located on the Chattahoochee River, as well as completing similar streamlining efforts for Programmatic General Permits for

Alabama Power reservoirs located within the State of Alabama.

- In addition to the specific initiatives and efforts listed above, Districts and Divisions coordinate with state and federal agencies on a variety of topical areas including:
  - Invasive species (Pittsburgh District)
  - Harmful algal bloom response (Louisville District)
  - Flood risk management (multiple districts)
    - Chicago District: The DuPage Flood Risk Management study team has continued to develop a strong working relationship with the local sponsor, county agencies and forest preserve districts throughout the study area. Regular meetings ensure that any concerns for the study or resulting project are heard early in the planning phase and can be appropriately addressed. Furthermore these meetings are further supplemented with sub-committee meetings which address NEPA, ESA, NHPA and infrastructure development issues.
    - Rock Island District: During annual flood risk management outreach sessions, the Commander and senior leader have face-to-face meetings with the levee sponsors upon request and the Rock Island District flood risk management team members provide education sessions and booths on various flood risk management topics to help the sponsors better understand how to navigate through the federal programs.
  - Threatened and endangered species (multiple districts)
    - For example, Pittsburgh District Planning Branch worked extensively with the federal and state agencies to complete necessary baseline mussel studies (to include endangered species) studies and allow the needed dredging to maintain navigation.

### **Communication Tools**

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

- Buffalo District's Formerly Utilized Sites Remedial Action Program has a well-developed outreach program that actively engages the local communities on a regular basis. Each of the sites has a community relations plan that is tailored to the community in which it is located, and each site also has a webpage that

is updated as new information becomes available.

- Buffalo District sends updates to the community through electronic mailings called "News from the Corps" in addition to the "Beyond the Headlines" forum, used on the web to correct misinformation in the media.
- To enhance public and stakeholder engagement, the Omaha District conducted a river inspection trip along specific segments of the Missouri River to highlight USACE actions and projects. This trip provided an opportunity for discussions with state leaders, stakeholders and congressional staff on engineering and construction practices of the Missouri River Recovery Program and operations of the Missouri River Bank Stabilization and Navigation Project.
- In addition, the Community of Practice (CoP) provides a platform for sharing of information across Districts and Divisions. This invites dialogue around lessons learned that can lead to others gaining knowledge, insight, techniques and tools for better collaboration and avoiding the need for conflict resolution.

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

- Chicago District is actively involved in, and providing program oversight for, the Great Lakes Tributary Modeling Program under Section 516 of WRDA 1996 to develop tools to assist state and local agencies with the planning and implementation of measures for soil conservation, sedimentation and nonpoint source pollution prevention. USACE is collaborating with the Great Lakes states and the Great Lakes Commission on this effort.
- Louisville District LRL-ED-E personnel participate in the East Fork Watershed Cooperative, which is a group of federal, state, and local partners that study William H. Harsha Reservoir and its watershed. Each year the branch contributes chemical and phytoplankton data.
- Nashville District's Regulatory Division worked collaboratively with the Tennessee Department of Environment and Conservation to create compensatory mitigation guidance for the State of Tennessee. The documents provide clear expectations to the public and a consistent and more efficient review that is rooted in sound science and is compliant with all applicable laws
- Louisville District personnel serve as advisors to the Lower Salamonie Watershed Committee, which facilitates implementation of best management practices within the watershed.
- Pittsburg District is coordinating with The Nature Conservancy on ecoflows at reservoir projects and within rivers in the District.
- The USACE New York District is a member of the Jamaica Bay Science and Resilience Institute – Public Agency Council, which has brought together agency representatives to engage government and community stakeholders in the translation of knowledge around how disturbances impact natural and human systems in urban watersheds toward a more resilient system, and to coordinate and better assess the resiliency investments that are needed and ongoing within Jamaica Bay.
- Savannah District, in collaboration with Georgia Department of Natural

Resources, South Carolina Department of Natural Resources and The Nature Conservancy, is developing an update to the Drought Contingency Plan for the Savannah River Basin to determine the optimum, minimum discharges that are required for project needs (e.g. flood risk management, hydropower, water supply, fish and wildlife management and recreation).

- Jacksonville District has three Comprehensive Everglades Restoration Plan (CERP) studies in progress that integrate the use of collaborative processes, namely Loxahatchee River Watershed Restoration, Lake Okeechobee Restoration and Western Everglades Restoration studies. Each of these studies have included numerous engagement with stakeholders including Federal and state agencies, non-governmental organizations, and federally-recognized Indian tribes.
- The Albuquerque District's Climate Science Specialist worked closely with IWR to develop guidance and associated web-based tools for assisting districts with accounting for climate change during planning; continues to collaborate with federal, tribal and state partners; and provides both qualitative and quantitative information relevant to project planning and management measure evaluation on all Albuquerque District Civil Works projects, to increase communication on the issue of climate change and its likely impacts on projects.

**8. Comments and Suggestions re: Reporting:** Please comment on any difficulties you encountered in collecting these data and if and how you overcame them. Please provide suggestions for improving these questions in the future.

Our Districts and Divisions offered the following suggestions for reporting:

- The overlap with the holiday season creates a challenge in locating responders.
- For many years the ECCR report template has requested innovative tracking mechanisms for internal stakeholder outreach efforts. If USACE deployed an existing or newly developed system agency-wide, this question could be replaced.
- Consider updating the facilitator database to remove persons no longer employed by USACE and create a metrics of qualifications. CPCX staff or the Public Involvement Specialist cadre could take on this task in FY17.
- Face-to-face discussions with examples to assist people in remembering their ECCR experiences were more productive than group emails.
- A nationwide online survey may make it easier to compile this report than the current essay format
- One Division wanted to highlight different collaborative approaches but those cases will not be "completed" until 2017.

Each year, CPCX asks USACE what type of conflict resolution and public participation support the Center should provide in the following FY. This year, responders expressed interest in the following types of technical assistance:

- Public involvement/communication planning,
- Vertical integration support,
- Situation assessments,
- Workshop design,
- Consultation via phone,
- Assistance with charettes, and

- Evaluation of collaborative effort effectiveness.

Divisions and Districts also nominated a number of people to participate in USIECR's Udall Certificate for Environmental Collaboration and requested the following trainings:

- Public Involvement & Team Building in Planning,
- Shared Vision Planning,
- Collaborative Leadership,
- Risk Communication and Public Involvement.
- Effective Communication for Regulatory
- Communication for Flood Risk, and
- Collaboration & Conflict Transformation

CPCX also asked for and received suggestions for

- People to add to the USACE Facilitator Database,
- Webinar topics for the Collaboration and Public Participation CoP, and
- District tools for tracking and internally coordinating stakeholder outreach efforts.

Attachment A.

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

<b>Informed Commitment</b>	Confirm willingness and availability of appropriate agency leadership and staff at all levels to commit to principles of engagement; ensure commitment to participate in good faith with open mindset to new perspectives
<b>Balanced, Voluntary Representation</b>	Ensure balanced inclusion of affected/concerned interests; all parties should be willing and able to participate and select their own representatives
<b>Group Autonomy</b>	Engage with all participants in developing and governing process; including choice of consensus-based decision rules; seek assistance as needed from impartial facilitator/mediator selected by and accountable to all parties
<b>Informed Process</b>	Seek agreement on how to share, test and apply relevant information (scientific, cultural, technical, etc.) among participants; ensure relevant information is accessible and understandable by all participants
<b>Accountability</b>	Participate in the process directly, fully, and in good faith; be accountable to all participants, as well as agency representatives and the public
<b>Openness</b>	Ensure all participants and public are fully informed in a timely manner of the purpose and objectives of process; communicate agency authorities, requirements and constraints; uphold confidentiality rules and agreements as required for particular proceedings
<b>Timeliness</b>	Ensure timely decisions and outcomes
<b>Implementation</b>	Ensure decisions are implementable consistent with federal law and policy; parties should commit to identify roles and responsibilities necessary to implement agreement; parties should agree in advance on the consequences of a party being unable to provide necessary resources or implement agreement; ensure parties will take steps to implement and obtain resources necessary to agreement