

BEST PRACTICES & LESSONS LEARNED: MSC INNOVATIVE CASES OF ENVIRONMENTAL COLLABORATION & CONFLICT RESOLUTION

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U.S. ARMY CORPS OF ENGINEERS

**Collaboration &
Public Participation**
CENTER OF EXPERTISE



US Army Corps
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TRIBAL GOVERNMENTS:

- CONSULTATION AND COMMUNICATION AGREEMENTS -**
- PROFESSIONAL FACILITATION -**



Red Lake Nation Government Center

CASE OVERVIEW

- **Background:** St. Paul District's AOR includes nearly 50 tribes, 22 are resident. The rest have ancestral ties to the District. Each Tribal Nation has preferred methods of communication. The project managers needed a Tribal communications assessment tool/report and professional facilitation (as needed).
- **The Challenge:** The District's regulatory staff is actively engaged in consultation with many of the tribes and has worked hard to establish productive relationships. Many of the proposals that require CWA Sect. 404 permit decisions and Tribal consultation are challenging due to cultural/natural resource issues. In addition there can be fundamental tribal opposition to a proposed project.
- **The ECCR Approach:** Two contractors were retained. The 106 Group assisted with contacting Tribes to develop a Tribal communications assessment report tool/report to further the District's working relationships with Tribes. An \$600,000 IDIQ contract was awarded to the Consensus Building Institute to obtain the support of a professional facilitator to assist with Tribal coordination and consultation.
- **Outcome:** The 106 Group assessment report is not completed however the draft is useful. CBI's facilitation services has been well received at the Enbridge Line 3 Replacement Pipeline meetings.

BEST PRACTICES & LESSONS LEARNED

➤ **Best Practices:**

- **Reach out to existing government resources for assistance. We utilized the:**
 - ✓ **Institute of Water Resources' Conflict Resolution & Public Participation Center of Expertise (CPCX).** [Seth Cohen]
 - ✓ **U.S. Institute for Environmental Conflict Resolution (USIECR/Udall) Foundation.**
 - ✓ **Third-party contractors** with expertise in Tribal consultation and facilitation.

➤ **Lessons Learned.**

- ✓ **Tribal leadership & staff turnover** requires revisiting/updating the Tribal consultation and communication agreements thru Corps resources or contracted support. A PM overseeing an in-house Tribal Working Group is needed to update the report & solicit ongoing support from staff members.
- ✓ **The use of a 3rd party contractor** provided access to professional facilitation to support tribal consultation which increases the potential for successful consultation.
- ✓ **Tribal consultation is inherently a government-to-government.** It is critical to provide sufficient Corps staff throughout the consultation process.



FOLSOM DAM WATER CONTROL MANUAL UPDATE

CASE OVERVIEW

- **Purpose** of the Folsom Dam Joint Federal Project: correct dam's undersized release capabilities to meet dam safety requirements and reduce flood risk to the Sacramento Metropolitan area.
 - New water control plan updates flood operation rules that take advantage of the new spillway release capabilities
- **Challenge:** Dam with competing multiple purposes of flood risk reduction, water supply, fish and wildlife preservation, water quality, and hydropower generation
- **Stakeholder Outreach Approach:** Stakeholder Assessment and Outreach Program utilizing a 3rd-party facilitator experienced with the basin's stakeholder interests.
- **Outcome:** Better understanding of stakeholder concerns led to development of a new water control plan with wide-ranging stakeholder support

BEST PRACTICES & LESSONS LEARNED

- Best Practices:
 - Stakeholder Assessment
 - Regular updates
 - Multiple tiers of stakeholder outreach
 - Third-party facilitator experienced with basin's stakeholder concerns

- Lessons Learned:
 - Successful outreach requires time, money, and effort
 - FACA
 - Be responsive

TECHNICAL ASSISTANCE FOR PUBLIC PARTICIPATION (TAPP)

FORMER FE WARREN AFB ATLAS "D" MISSILE SITE 4, CHEYENNE, WY

Doug Simpleman
Project Manager
Omaha District



CASE OVERVIEW

- Background: Atlas Site 4 operated from 1961 to 1964. Trichloroethylene (TCE) was used to clean the fuel lines, which was then washed into unlined flameout pits and subsequently migrated to the groundwater. TCE was detected in the Cheyenne water supply.
- A Restoration Advisory Board (RAB) was created to increase public participation in the cleanup process.
- RAB members struggled to function within the RAB guidance. The focus was not on project issues. Conflicting information was presented by some RAB members.



Restoration Advisory Board
Rule Handbook
Office of the Secretary of Defense
February 2007

- Technical Assistance for Public Participation (TAPP) was suggested, but implementation delayed because the request needed to come from the RAB.
- Eventually the TAPP was requested, approved, Dr. Urynowicz from University of Wyoming was hired, and four training sessions occurred in January/February 2016.

BEST PRACTICES & LESSONS LEARNED

- The training sessions were well received and the RAB leaders appreciated the knowledge they gained. The relationship with the RAB members and community has improved. The RAB meetings are functioning much better.
- The TAPP training made a significant improvement, but there were also changes to the WDEQ staff and RAB membership.



- There was recently a Senate hearing on “Cleaning Up the Cold War Legacy.” There were some negative comments from the Wyoming Senator and WDEQ; however, in an article published after the hearing, the RAB community co-chair was very positive about the Corps work.
- http://www.wyomingnews.com/news/local_news/long-road-ahead-for-missile-sites-cleanup/article_13355dd2-1831-11e7-9b43-17ba4baf17d.html.

FOR MORE INFORMATION

MSC Liaisons

- David Bauman, South Atlantic Division
- Michael Coffey, Northwestern Division
- Roselle Henn, North Atlantic Division
- Kate Bliss, Pacific Ocean Division
- Melanie Ellis, Southwestern Division
- Mike Saffran, Great Lakes & Ohio River
- Cindy Tejada, South Pacific Division
- Crorey Lawton, Mississippi Valley Division

Public Involvement Specialists

- 20 SMEs at Districts across USACE

Sites

CPCX

www.iwr.usace.army.mil/cpc

Shared Vision Planning

www.SharedVisionPlanning.us

Collaboration & Public Participation CoP

<https://cops.usace.army.mil/sites/PPP/default.aspx>