

CEIWR-ZA  
MEMORANDUM FOR THE RECORD

SUBJECT: Re-Certification of the USACE Collaboration and Public Participation Center of Expertise (CPCX) at the U.S. Army Corps of Engineers' Institute for Water Resources (CEIWR)

1. Pursuant to ER 1110-1-8158, paragraph 8, dated 15 April 2011, this memorandum serves as notification of CPCX's qualification for recertification of its CX designations as required every five years.
2. CPCX is a Technical Center of Expertise with specialized expertise that has proven to be beneficial to other USACE organizations. CPCX has unique and exceptional technical capability that is beneficial to other USACE commands. CPCX continues its role to develop, promulgate, and infuse collaborative problems solving capabilities throughout USACE. The Mission of CPCX is to enable Corps staff to anticipate, prevent and manage water-related conflicts through collaboration while ensuring that the interests of the public are addressed in a fair and transparent manner. CPCX services are voluntary, advisory, and reimbursable. Expertise within CPCX is retained and other MSC and District commands regularly use the center's expertise and service.
3. Through its past performance (see attached), CPCX has exceeded the criteria for recertification as listed in Appendix B of ER 1110-1-8158 (*Center of Expertise Recertification Process*) by improving the quality of its functions to USACE and establishing a presence within the Corps Districts and Divisions through its network of MSC Liaisons, the Public Involvement Specialist Program, and the Collaboration and Public Participation Community of Practice. CPCX will continue to provide exemplary services as outlined in its FY 2015-2020 Strategic Plan (attached). No other Corps center, laboratory or private sector entity currently performs the same functions as CPCX or has the same technical capability, experience, resources, and customers to perform these functions in a responsive, cost-effective manner. Therefore, recertification of CPCX as a Technical Center of Expertise is approved.
4. In conjunction with this re-certification, the name of the CPCX is changed to the Collaboration and Public Participation Center of expertise. The term Conflict Resolution is replaced with Collaboration for the following reasons:
  - "Conflict Resolution" too often conjures negative associations and describes only a subset of the CPCX function; "collaboration" better describes the full suite of CPCX activities that help avoid or manage conflict, improve the quality of Corps projects, reduce long-term costs, and enhance trust amongst stakeholders, partners and publics;
  - The Center's new name aligns with the name of the Collaboration & Public Participation CoP (CPP CoP);
  - OMB/CEQ now asks USACE to report on environmental collaboration as well as conflict resolution;
  - The new name aligns with the ongoing work on developing a USACE definition of collaboration to be incorporated into a USACE policy on public participation; and
  - A survey of CPP CoP membership showed strong support for changing name of the CPCX to include the term collaboration.
5. The lead Collaboration and Public Participation CX proponents at HQUSACE are CECW and CECC. The POC at CEIWR is Dr. Hal Cardwell.



JAMES DALTON, SES  
Director, Civil Works

Encl

## ATTACHMENT 1: SUPPORTING INFORMATION

Re-Certification of the USACE Collaboration and Public Participation Center of Expertise (CPCX) at the U.S. Army Corps of Engineers Institute for Water Resources (CEIWR)

### 1. References

- a. Memorandum *Designation of the USACE Conflict Resolution & Public Participation Expertise Center (CX) and Directory of Expertise (DX) at the U.S. Army Institute for Water Resources (CEIWR)* issued by MG Don T. Riley, Deputy Commander, 17 October 2008.
- b. Executive Order No. 13352 - *Facilitation of Cooperative Conservation*, 24 August 2004.
- c. Joint Memorandum on *Environmental Conflict Resolution* issued by Joshua Bolton, Director of the Office of Management and Budget (OMB), and James Connaughton, Chairman of the President's Council on Environmental Quality (CEQ), 28 November 2005, directing federal agencies to "*increase the effective use of environmental conflict resolution (ECR) and build institutional capacity for collaborative problem-solving.*"
- d. Strategic Plan (2015-2020) USACE Collaboration and Public Participation Center of Expertise.
- e. CEQ Directive on Agency Implementation of Executive Order No. 13352 on avoiding litigation and resolving environmental disputes, 20 April 2006.
- f. Policy Guidance Letter No. 61 - Application of Watershed Perspective to Corps of Engineers Civil Works Programs and Activities, 27 Jan 1999
- g. EC 1105-2-409, *Planning in a Collaborative Environment*, 31 May 2005.
- h. Civil Works Strategic Plan (2014-2018) cross-cutting strategies: Collaboration and Partnering; Risk-Informed Decision Making and Communication.
- i. USACE Campaign Plan (2018-2022), Goal 3 Reduce Disaster Risk and Goal 4, Objective 4d - Build ready and resilient people and teams through innovative talent management and leader development strategies and programs, August 2017.
- j. Engineering Regulation 1105-2-100 Planning Guidance Notebook Appendix B: Public Involvement, Collaboration and Coordination;
- k. Engineering Regulation 5-1-11 Project Management Business Process Reference 8006G, Communications Plan (May 2009);
- l. Engineering Regulation 360-1-1 Public Affairs (October 2013);
- m. Engineering Pamphlet 200-3-1, Public Participation Requirements for Defense Environmental Restoration Program;
- n. EC 1105-2-411 *Watershed Plans* (15 January 2010)
- o. The Administrative Dispute Resolution Act of 1996, Pub. Law 104-320
- p. ER 1110-1-8158, Corps-Wide Centers of Expertise Program

### 2. Purpose. Reference 1p requires recertification of Corps Centers of Expertise every five years.

Appendix B of the reference states that the CX proponent must present a recertification letter, if appropriate, after having evaluated the continuing need for the CX against several performance statements. The purpose of this memorandum is to request recertification of the CPCX by providing supporting information to the HQUSACE proponent.

### 3. Background. The CPCX was established at IWR in 2008 for several reasons:

- a. Reference 1(c) found that the promotion of collaborative problem solving and wider use of alternative dispute resolution (ADR) techniques is needed to help federal agencies

overcome the governance challenge of balancing competing public interests which can lead to problems such as lengthy planning processes; delays in implementing decisions; protracted litigation; foregone investments; lower quality outcomes; and lack of trust between stakeholders. Reference 1(c) also required the submission of an annual report documenting agency progress in advancing the active use of ADR and collaborative problem solving into its natural resources programs. This includes documentation of the steps being taken to build an enhanced institutional capacity for collaborative problem-solving, the number of staff trained in ADR techniques, and provision of results-oriented documentation of the number of successful outcomes as result of ADR, ranging from conflict prevention (avoidance) or minimization to conflict resolution.

- b. After Hurricane Katrina, the agency started to focus more on risk communication and public participation as significant tools to improve mission execution. This was actualized through the Actions for Change (AfC) Program Theme 3 on Risk Communication and Public Participation. AfC initiated various programmatic changes throughout the agency and has resulted in an increase in risk communication and public participation in all business lines and functional areas of the Corps.
  - a. The increasing complexity of water resources management demands greater stakeholder collaboration. The aging nature of our infrastructure requires greater risk communication. Today USACE professionals must routinely manage multiple demands by multiple stakeholders, some of which conflict. The agency has a continuously increasing imperative to work collaboratively with its Federal, State, local and NGO partners in developing consensus-based solutions to complex problems within an integrated, systems context.
  - b. CPCX was assigned to the Institute for Water Resources (IWR) due to the Institute's 1970s pioneering role in the use of public participation and ADR techniques within the U.S., and more recently advancing the use of technically informed collaborative planning approaches such as Shared Vision Planning (SVP) and other Computer-Assisted Dispute Resolution (CADRe) techniques, which combine contemporary public involvement consensus-building with state-of-the-art technical modeling to prevent or minimize the occurrence of disputes.
- 4. Functions of the CPCX. Full details of the functions of the CPCX can be found in Reference 1(a) and Reference 1(d). The Mission of CPCX is to enable Corps staff to anticipate, prevent and manage water-related conflicts through collaboration while ensuring that the interests of the public are addressed in a fair and transparent manner. Specific functions, per Reference 1(c) include:
  - a. HQ support. Completing the annual ECCR report, evaluating collaborative processes, assisting with guidance updates related to conflict resolution, public participation, and risk communication, and representing USACE in appropriate fora of experts on these topics.
  - b. Training and Outreach Programs. Updating and improving content and delivery of training on conflict resolution and public participation, bringing more training to the field, providing short sessions at leadership conferences, assuring that new tools such as interactive modeling and software for negotiations are usefully integrated into field applications, and partnering with other US Government centers of expertise on collaborative processes (e.g. DOI's Office of Collaborative Action and Dispute Resolution, and EPA's Conflict Prevention and Resolution Center).
  - c. Technical assistance to MSCs and Districts. Assisting the field in specific cases in resolving conflicts and engaging the public and stakeholders in our projects by designing and implementing collaborative processes. The CPCX provides reachback capabilities for the Corps, DOD, and IIS partners.

5. Performance Statements (Appendix B of 1110-1-8158)

**a. The CX continues to provide the services as authorized. Any change to services over the recertification period have appropriate approval(s) documented.**

The CPCX provides those functions outlined above per its original designation memo. Public participation, conflict resolution, and collaborative processes continue to evolve with the ever-increasing complexity of Corps projects and the number, skill sets, and expectations of external entities involved. The CPCX maintains and enhances its technical capabilities through training, professional associations and certifications, and regular project support to field entities. The current goals of CPCX (per Reference 1(d)) are:

1. Build the collaborative capacity of Corps staff and partners to enable effective convening of, and participation in, collaborative processes.
2. Provide direct support to increase the success of collaborative processes conducted by the Corps and its partners.
3. Advise Corps leadership in designing, implementing and investing in effective collaboration.
4. Establish the Corps as a thought-leader in collaboration to address future challenges.

**b. Number of requests for service received by the CX and acted on annually are sufficient to sustain the staffing.**

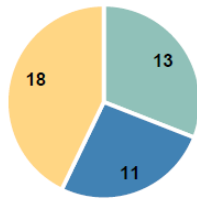
The CPCX includes a total of 5 full-time individuals. These staff are project and program managers, social scientists, civil engineers, regulators, and planners. There is a depth of available expertise that enables the successful execution of project workload, including training, facilitation, mediation, collaboration design and execution, and policy writing. In addition to the ongoing workload, the Center answers numerous information requests by email, telephone, via sharepoint and the external website. Below is the number of requests (including projects and trainings) the TCX has supported from FY13-17:

Fiscal Year	In-person trainings	Training webinars**	# of People Trained	# of Projects supported*
13	6	7	200	19
14	7	9	532	30
15	10	9	698	54
16	27	11	1310	65
17	33	9	1041	68

\*\* Includes CPP CoP informational webinars

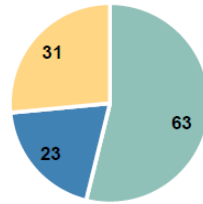
\* Includes occasional phone support

**ECCR Reported in FY 2008**



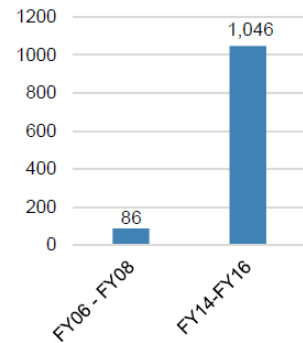
- Informal Environmental Collaboration
- Formal Third-Party Facilitation
- Formal Working Group/Agreement

**ECCR Reported in FY 2016**



Integrating environmental collaboration approaches into standard USACE business practices may limit or obviate the need for formal third party facilitation.

**Average # of staff trained/year in ECCR**



The above statistics are a summary of cases reported in the annual USACE Environmental Conflict and Collaboration report and provide a snapshot of changes CPCX has documented since the report was required in 2005 by the OMB and CEQ

**c. Requests for service are completed on schedule.**

This past year the CPCX supported and completed on schedule 33 instances of in-person training, 9 webinars, and 68 projects. Customers report high satisfaction with the timeliness of the services we provide. The TCX works diligently with customers to integrate our services into project timelines while ensuring that appropriate schedules are established to allow sufficient time for effective and high-quality results.

**d. Complaints and disputes from users/customers are insignificant. All complaints are resolved. Proponent will query the MSC and other using customers to comment on the need for continuing the CX and the effectiveness of the services provided. Comments received will be considered in the recertification process.**

The TCX has had only a few minor complaints or disputes relating to our services and those were addressed promptly and courteously. We work hard to set a high bar of service, setting clear expectations and asking for feedback during and after services are provided. Adjustments are made based on frequent opportunities for feedback, preventing any significant complaints or disputes. Every other year we send out a survey to our CoP members regarding the services we provide that requests their feedback. An informal evaluation survey is administered after we provide support to individual projects to capture any feedback. Customers are asked to rate how satisfied they are with the assistance, describe the benefit provided, suggest future improvements, and rate how likely they would be to recommend our assistance. An opportunity is provided for any additional comments. We have a close, positive working relationship with POCs in each MSC and at many districts. CPCX MSC Liaisons who can comment on our work or recommend district personnel for additional comments:

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

**e. The center measurably improves cost-effectiveness for the function within the Corps.**

The CPCX processes produce cost savings and more timely decisions for the agency and taxpayers compared to litigation and other conventional processes. These savings are reflected in more efficient operations, including more expedient planning, project delivery, environmental review, permitting, licensing, and remediation. Collaborative and transparent processes allow our agency to enhance trust and avoid conflicts with stakeholders, which would otherwise increase costs due to escalation through long, drawn-out legal proceedings. By preventing or de-escalating disputes, collaboration ensures that tax dollars are spent directly addressing the environmental and natural resource challenges at hand. In addition, collaboration and public engagement expand access to relevant information and expose project participants to multiple perspectives and ideas, facilitating innovation that can lower costs while improving the quality of outcomes (see sidebar example). Scholarly research on the benefits of collaboration has identified evidence of saved time and money including aiding the decision making process, resulting in lower cost and reduced delays. Due to the 2005 OMB and CEQ memorandum that requires all agencies to report on their use of Environmental Collaboration and Conflict Resolution (ECCR), the CPCX annually reports on the agencies' cost savings and benefits from associated activities. For details on the benefits and costs reported by the Corps each year visit <http://www.iwr.usace.army.mil/Missions/Collaboration-and-Conflict-Resolution/CPCX/Activities-of-the-CPCX/USACE-Annual-ECR-Reports-to-CEQ/>. The CPCX and sister centers at EPA and DOI have developed a new set of evaluation protocols to capture the comparative costs and benefits of ECCR and its effectiveness. As programmatic resources allow, the three agencies will systematically collect and analyze data on ECCR cases to further the ECCR policy memorandum's mandate to estimate the cost savings and benefits realized through negotiation, mediation, or other collaborative processes.

**f. The center measurably improves the quality of the function within the Corps.**

The CPCX improves the agency's ability to engage in collaborative and conflict resolving processes. These processes result in more creative and durable solutions to long-term or entrenched disagreements by enabling the parties to share their information and jointly identify the best solution. Thus, the execution of Corps missions is improved by reaching more supported, higher-quality, implementable decisions. This is documented in the quinquennial Collaborative Capacity Assessment Initiative administered by the CPCX.<sup>1</sup> This effort administers a 36-question survey to agency staff to track changes in their performance across

**e. Example:** Following the Midwest floods of June 2008, the Iowa Silver Jackets team identified and coordinated an unprecedented non-structural alternative to the full repair of the Louisa County, Iowa, #11 Levee District's levee system. The alternative required the cooperation of the levee's public sponsor, the county and state mitigation agencies, NRCS, and USACE to implement. The cost to PL 84-99 was estimated to be \$187,000 less than full structural repair, while also providing additional benefits by reconnecting 3,200 acres of isolated floodplain with the Iowa River, improving environmental habitat, increasing flood storage to those downstream, and eliminating future obligation to provide structural repair. Thus, an inter-agency team identified a solution which was collaboratively implemented, ultimately achieving both cost savings and superior project outcomes versus a single-agency, non-collaborative approach.

<sup>1</sup> *The State of Collaboration in the Corps: A Field Perspective* (IWR); 2011-CPC-R-04.

<http://www.iwr.usace.army.mil/Missions/Collaboration-and-Conflict-Resolution/CPCX/Activities-of-the-CPCX/Collaborative-Capacity-Assessment-Initiative/>

various collaboration and communication skill sets over time. This assessment both tracks collaborative capacity and identifies actions needed to improve collaborative capacity. Reaching agreements by effectively engaging in collaborative processes helps USACE achieve innovative and enduring solutions. Using data collected by multiple federal and state agencies through a common set of evaluation questionnaires, the U.S. Institute for Environmental Conflict Resolution assessed collaborative agreements, their durability, and how the collaborative process related to these variables. In this research, they found that agreements were reached in 82% of 52 cases, and the extent to which agreements were reached was significantly correlated with having the appropriate parties involved and effective engagement of participants. Significant associations were also discovered between the durability of agreements reached through ECCR and having the appropriate parties involved, using high quality and trusted information in the process, and effectively engaging participants.<sup>2</sup> The relationships the Corps establishes through these processes result in additional opportunities to accomplish our missions (see attached side-bar example).

**Example: ECCR Processes Build Consensus on the Everglades Restoration**

The Everglades Restoration Transition Plan regulates how federal water control structures are operated to meet USACE responsibilities for flood control, while minimizing adverse effects to threatened and endangered species. When discussions among USACE, USFWS, and other federal agencies came to an impasse over the Cape Sable Seaside Sparrow, a professional facilitator enabled all agencies to come to consensus on how to protect the sparrow while meeting the USACE operational authorities. (USIECR, USFWS, USACE, 2015)

**g. The center measurably improves responsiveness to the customer and the speed of accomplishing the function within the Corps.**

This TCX is the best resource in the agency for improving responsiveness to the Corps' customers. The Center is founded on the principle that those who benefit from Corps missions must be engaged in our decision making processes. The four goals of the Center each focus on improving the Corps' ability to engage stakeholders. Those in the agency who request the TCX support, take trainings, read the newsletter and attend webinars are learning how to become more responsive to the needs of their customers. They are learning to engage customers early and often, preventing conflicts with stakeholder that can delay or halt projects.

The TCX provides a timely response to our agency customers, and enables them to access resources quickly, further streamlining the process. Because the TCX has in-house technical experts operating in a team environment, staff can assign appropriate personnel to a project within a couple days to address customers' project or training needs. Someone can usually immediately respond with advice over the phone to a wide-range of questions relating to involving the public, engaging stakeholders, or resolving conflicts. The TCX also has a network of liaisons at MSCs and Public Involvement Specialists at districts that can immediately address local needs. The TCX has an ongoing training and capacity building program to ensure these MSC and district resources are prepared to respond. The TCX has contracts and MOUs in place to quickly access external experts when needed. Districts often use these mechanisms to access expertise quickly and appreciate that they do not have to take the time and money to establish these mechanisms locally.

**h. The function cannot be eliminated without adversely affecting the USACE mission.**

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<sup>2</sup> Emerson, K., Orr, P. J., Keyes, D. L., & McKnight, K. M. (2009). Environmental conflict resolution: Evaluating performance outcomes and contributing factors. *Conflict Resolution Quarterly*, 27(1), 27-64.

Eliminating the CPCX functions would cause an immediate negative impact to the Corps, Army, IIS partners, stakeholders, and the public who are impacted by our missions. The goals of the memo establishing the TCX would not be met. Agency personnel would not have the reach-back capacity to effectively engage their stakeholders and would be unable to access resources to prevent and resolve conflicts, including expertise from the core TCX team, the MSC Liaisons and the District Public Involvement Specialists. The number of requests the TCX receives would go unanswered, leaving staff to respond on their own. Conflicts would increase, causing significant costs and delays to projects. Mission execution would be impacted due to decreased abilities to work with stakeholders to achieve the most appropriate solution. Agency staff would not have the Collaboration and Public Participation CoP that enables them to share lessons learned and best practices across the agency, learning from each other and thus overall improving their mission execution. Centrally funded technical and programmatic expertise available through the CPCX would be very expensive and impractical to replicate in all Divisions or districts.

**i. The private sector does not have the required technical ability, experience, and resources to perform the function in a responsive, cost-effective manner, nor could this technology be easily transferred to the private sector.**

While the private sector provides valuable support to the program, individual contractors lack the widespread, long-term programmatic knowledge base needed to provide the continuity required of a centralized program execution management function. Since 2008 the CPCX has been acting as a center of expertise and has accumulated, documented, and shared a vast wealth of knowledge specific to the projects and missions of the U.S. Army Corps of Engineers. The center builds on prior expertise housed at IWR since the 1970s on public participation and alternative dispute resolution. TCX website and Sharepoint sites host various references, toolkits, manuals, case studies and other resources compiled since the 1970s, serving as a library for the agency on topics of public participation, risk communication, stakeholder engagement, inter-agency collaboration, and alternative dispute resolution, as they pertain specifically to the work of USACE Districts and Divisions. Shifting this function to a private sector entity would require them to overcome an extensive learning curve to get to the level of program-specific knowledge and expertise already present at the CPCX. Furthermore, it would be inappropriate for a private sector entity to lead the Collaboration and Public Participation Community of Practice, convene the steering committee or chart the best path for the future of public participation, risk communication, stakeholder engagement, and alternative dispute resolution in the Corps.

**j. No Corps laboratory has the required technical ability, experience, resources, capacity, and customers to perform the function in a responsive, cost-effective manner.**

CPCX has unique and exceptional technical capability that is beneficial to the agency. No other lab or CX could execute the mission of the TCX. There are individuals across the agency who are also experts in related subjects, and those individuals are engaged to further the capabilities of the TCX and provide local support to their districts. This is accomplished through the Public Involvement Specialists program, where CPCX develops local staff to be able to serve on PDTs directly providing related support; the MSC Liaisons, that connect the needs of the field to the resources of the CX; and the Collaboration and Public Participation Community of Practice, hosted by the CX, that enables the sharing of best practices and lessons learned, which improves the efficiency of our mission execution. No other entity has these resources and networks, and the established links between them and the customers.

**k. No other Corps center of expertise has the required technical capability, experience, resources, and customers to perform the function in a responsive, cost-effective manner.**

CPCX has advanced, exceptional technical capability that is unique to the agency. Other agency entities have some expertise, such as Silver Jackets Coordinators, Public Affairs Officers, and Tribal Liaisons. These positions promote collaboration and communication across the agency. Each of these entities seek



advanced assistance from CPCX annually, if not monthly. CPCX provides annual training to each of these programs to advance their skill sets and improve their abilities to engage stakeholders as part of their jobs. CPCX is also called by each of these entities to augment their capabilities in instances of particularly complex collaborations or particularly severe conflicts.

**I. No two centers of expertise with a similar mission could be combined to perform this function in a responsive, cost-effective manner.**

There are no other USACE centers of expertise with a similar mission as the CPCX.