



US Army Corps
of Engineers®



U. S. Institute for Environmental Conflict Resolution

**MEMORANDUM OF UNDERSTANDING
BETWEEN THE**

**U.S. ARMY CORPS OF ENGINEERS
INSTITUTE FOR WATER RESOURCES**

AND THE

U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION

This MEMORANDUM OF UNDERSTANDING is hereby entered into by and between the U.S. Institute for Environmental Conflict Resolution of the Morris K. Udall Foundation (the U.S. Institute), and the U.S. Army Corps of Engineers (USACE), Institute for Water Resources (IWR), hereafter jointly referred to as the "Parties".

The Parties signatory hereto,

Sharing a common interest in developing, promoting and applying systematic processes and techniques to cooperatively mitigate conflict and reach workable solutions to shared problems involving federal environmental, water, and related land resources;

Having a mutual interest in working together to infuse scholarship, professionalism and innovation into conflict resolution, problem solving and decision processes that enhance integrated water resources management (IWRM) and sustainable development;

Possessing independent but complementary missions, each encompassing technical activities of mutual interest, and with each institution having established programs that promote the use of a wide range of alternative dispute resolution (ADR) techniques, such as facilitated negotiation, mediation, consensus based decision-making, collaborative problem-solving; computer assisted dispute resolution (CADRe), and education, technology transfer and capacity building;

Desiring to: advance the state-of-the art practice; promote wider use; and enhance agency institutional capabilities for the application of non-adversarial processes and techniques to resolve disputes, manage conflict, facilitate decision-making, or otherwise solve problems associated with environmental, water and related natural resources;

Recognizing the benefit to each party's commitment to environmental conflict resolution (ECR) through mutual cooperation and joint activities when consistent with the policies, goals and laws governing each party;

Hereby simultaneously declare the following framework for partnership:

Article I – The Parties

The U.S. Institute was established through the Environmental Policy and Conflict Resolution Act of 1998 (EPCRA, P.L. 105-156) as an independent federal entity with the mission to impartially assist in the resolution of federal environmental, natural resources and public lands conflicts and controversies through facilitated

negotiation, mediation, and collaborative problem-solving. Federal agencies and parties in dispute with or involving a federal agency may use the independent services of the U.S. Institute, or access the services of a wide range of mediators and facilitators affiliated with the US. Institute through its roster of experienced professionals, to provide assessment, mediation, or other related dispute resolution and training services where environmental, natural resources or public lands issues are involved. The U.S. Institute maintains a roster of experienced mediators and facilitators with whom the U.S. Institute frequently partners and contracts in providing services. The roster can also be accessed directly by individuals or agencies from the U.S. Institute's web site, with a roster manager providing consultation to parties on referrals from the roster for cases and projects not requiring the U.S. Institute's direct involvement.

IWR is a USACE national and international expertise center with the mission to identify emerging water resources issues and to develop and implement strategies to advance the capability and practice of IWRM; investment decision support science; risk assessment; socio-economic analysis; collaborative planning, including CADRe and Shared Vision Planning (SVP); public involvement and citizen participation; ADR; hydrologic and hydraulic engineering; water resources information and geo-spatial systems; and including a focus on policy and model development, education, training and capacity building for USACE and in cooperation with other Federal, state, local agencies, academia, and national institutions and organizations; and international aid and development agencies, and other international institutions and organizations.

Article II – Rationale and Purpose of the Partnership

The U.S. Institute is interested in the partnership because of *IWR*'s commitment to and recognized national and international expertise in the development, application, and transfer of ADR processes and analytical techniques in support of IWRM and sustainable development through cooperative planning, the use of investment decision support models, open public involvement and citizen participation processes, and a wide range of technically informed collaborative planning approaches such as CADRe and SVP.

IWR has a mutual interest in the collaboration because of the U.S. Institute's complementary mission in advancing the practice of ECR, its specialized, world class expertise in mediation and dispute resolution techniques, and its broad access to the highest caliber 3rd party mediation and conflict resolution specialists within the ECR community of practice. This partnership would serve to leverage and extend *IWR*'s capability to advance the practice of ECR within the USACE and with the Corps's intergovernmental partners and other stakeholders.

The U.S. Institute and IWR will use their best efforts to establish a long-term cooperative, synergistic partnership between the Parties to promote and facilitate the effective use of ECR and build internal collaborative problem solving capacity within USACE and its various partners and stakeholders, with particular emphasis on convening and assessment work, in project planning facilitation and mediation (particularly interagency and intergovernmental), and in consensus building and conflict resolution training and skill development.

This partnership also responds to direction from the Director, Office of Management and Budget (OMB), and the Chair, President's Council on Environmental Quality (CEQ), in their joint memorandum issued in November 2005, for Federal agencies to increase their effective use of environmental conflict resolution and to build institutional capacity for collaborative problem solving. The OMB-CEQ memorandum also sets forth basic principles for agency engagement in environmental conflict resolution and collaborative problem solving. (Attachment A.), and encourages agencies to consider drawing on the capabilities of the U.S. Institute in addressing environmental conflicts and in building their internal capacity to effectively prevent, manage and resolve environmental conflicts.

Article III – Areas of Cooperation and Collaboration

The Parties are specifically interested in pursuing cooperative opportunities in the following areas of common interest within the overarching context of integrated water resources management (IWRM), water security, and environmentally sustainable development:

1. Internal USACE and related intergovernmental assessments to evaluate and establish favorable conditions for successful multilateral collaborations aimed at building consensus/resolving conflict;
2. Assessment, design, convening and facilitating of interagency and/or intergovernmental negotiations and collaborative planning efforts;
3. Process design and related technical and/or advisory assistance on collaborative USACE projects;
4. Technical assistance on convening collaborative efforts with tribes, and providing training in government-to-government consultation with tribes;
5. Facilitation, alternative dispute resolution, or third party mediation services from the U.S. Institute or jointly in partnership with IWR collaborative modeling to address water resources conflict at the project, watershed, regional, national or international (trans-boundary) levels;
6. Employee exchanges, details and/or Intergovernmental Personal Act (IPA) appointments;
7. Development and delivery of collaboration skills training for USACE personnel involved in interagency/intergovernmental partnership projects;
8. Design and conduct of ECR and collaboration training (orientation and collaboration principles) for USACE leadership (military and civilian), partners and stakeholders;
9. Outreach to USACE Division and Districts offices on ECR resources and opportunities for applying collaborative problem solving;
10. NEPA collaboration training for USACE leaders, environmental subject matter experts, project managers, regulatory specialists, and project partners, stakeholders and regulatory clients;
11. Development, documentation, promotion, and assistance in the application of a broad range of ECR and CADRe techniques, including SVP, which constitute an ECR methodological “toolbox”;
12. Peer review and peer support of collaborative planning activities, model development and documentation, and related technical products and services;
13. Consensus building and conflict resolution policy development, and governance and institutional diagnosis analysis;
14. Other related ECR capacity building and training, and technology transfer activities; and,
15. Professional and academic standards for ECR, and educational methods and systems.

Article IV- Principal Representatives and Contact Persons

Each party shall designate Principal Representatives to serve as the primary point of contact between the parties on all matters arising under this Partnership Document.

1. *For the U.S. Institute* the Principal Representatives shall be the U.S. Institute Director and a designated Senior Program Manager.
2. *For IWR*, the representatives shall be the IWR Director and a Senior Program Manager.

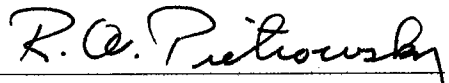
Article V – Context of Partnership

The USACE-IWR and the U.S. Institute mutually agree and understand that this MOU is neither a fiscal nor a funding obligation document. Notwithstanding any other provision herein, nothing in this Partnership Agreement shall be construed as binding under U.S. or International Law, with any cooperative activity undertaken between the parties shall only be done under the authority of the laws, regulations, and policies governing each party individually.

Additionally, IWR and the U.S. Institute mutually agree that any services to be provided by either of the Parties shall be authorized by subsequent project-specific interagency funding agreements, which could be issued at any time, subject to the terms specified in this MOU and all applicable Federal and Military procurement regulations. The Parties understand that they each represent one source available to provide advisory and/or technical services, and that this MOU does not prevent either Party from utilizing other qualified sources.

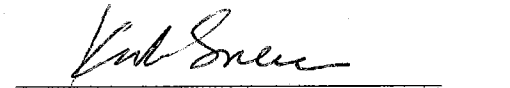
Article VI – Commencement and Termination Process

This Partnership Document shall become effective when signed by both IWR and the U.S. Institute, and shall remain in force unless terminated by the Parties upon a ninety (90) day written advance notice from either party to the other.



ROBERT A. PIETROWSKY
Director, Institute for Water Resources

11 Jan 2008
DATE



KIRK EMERSON
Director, U.S. Institute for Environmental
Conflict Resolution

January 19, 2008
DATE