

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

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Cindy Upah, Planning Chief, Alaska District

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PM



WHAT IS ECCR?



- These cases come from the *FY 2020 Environmental Collaboration and Conflict Resolution (ECCR) Policy Report* to OMB-CEQ, found [here](#)
- 2005 OMB-CEQ joint memorandum on ECR required annual report from all agencies
- 2012 OMB-CEQ joint memorandum on ECCR broadened report focus
- Annual USACE data call by the Director of Civil Works
- USACE report coordinated and compiled by CPCX, MSC Liaisons
- Recognition of most notable cases



CASES FEATURED TODAY



- *SPD*: Bay Regulatory Restoration Integration Team (BRRIT)
Frances Malamud-Roam, Regulatory Project Manager, San Francisco District
- *MVD*: Mississippi River Levee Supplemental Environmental Impact Statement (MRL SEIS II)
Mike Thron, Biologist, New Orleans District
Daniel Sumerall, Project Manager, Vicksburg District
- *POD*: Japanese Creek Continuing Authorities Program (Sec. 205) Study; Charrette
Cindy Upah, Planning Chief, Alaska District



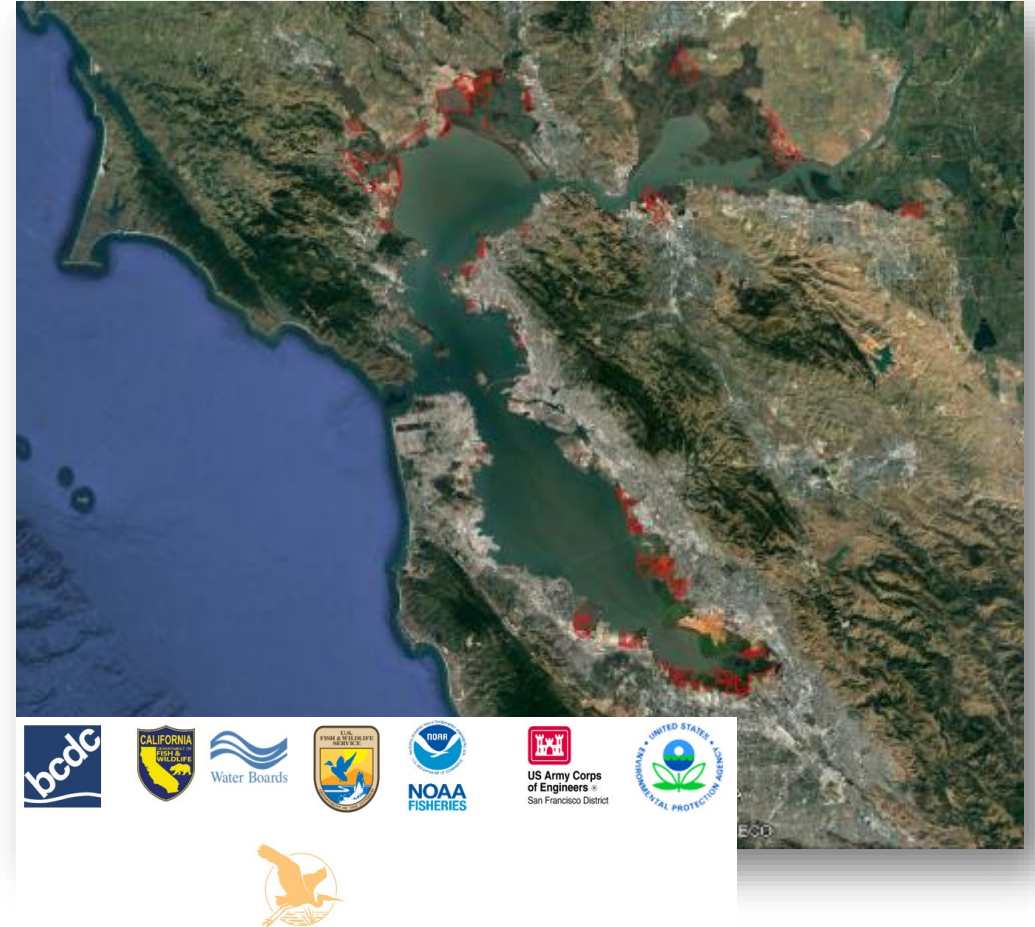
SPD

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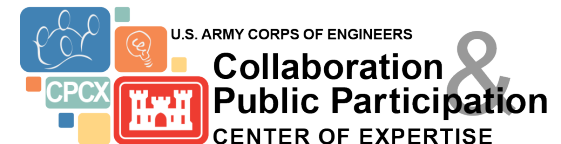


SPN: Bay Regulatory Restoration Integration Team (BRRIT)

Fostering collaboration and improving
process



Presenter(s): Frances Malamud-Roam, San Francisco District



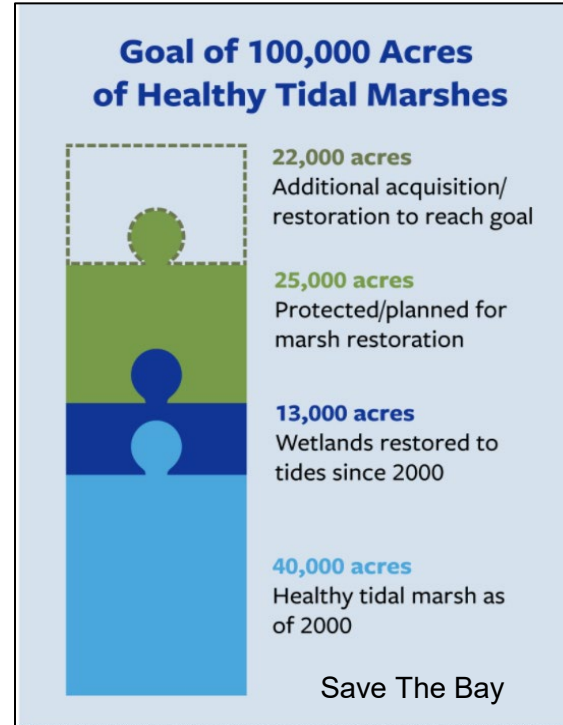


BACKGROUND

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- +/- 90% of historic tidal marsh (ca. 1850) around the S.F. Bay lost
- Consensus for Regional Goal for 100,000 acres of tidal marsh by 2030; currently 53,000 acres of tidal marsh
- Restoration projects in the Bay face complex environmental and regulatory hurdles
- Measure AA, the San Francisco Bay Clean Water, Pollution Prevention and Habitat Restoration Measure. Parcel tax for twenty years to fund shoreline projects





APPROACH



- **The Challenges:**

- 6 agencies, each with different regulatory mandates
- Complex legal environment, including conflicting regulations
- Cumbersome and confusing application processes
- Restoration community perceptions of the BRRIT

- **The Approach:**

- BRRIT co-work commitment – 1 to 2 days each week, via webex during Covid-19 lockdowns
- BRRIT and Policy Management Committee (PMC) working on innovative solutions: PMC Policy Improvement List
- Robust pre-application phase emphasizing collaborative approach
- Outreach and open communication





INSIGHTS



- Insights:

- Early and robust pre-application coordination is key to success
- Partnership approach between agencies on BRRIT and PMC to address concerns of the restoration community allows for innovative solutions
- Outreach to restoration practitioners and integrating feedback improves the permitting process
- BRRIT as bridge to other agencies and interagency teams





OUTCOMES



- ✓ 18 projects, restoring ~4,000 ac tidal wetland habitat – 4 permitted to date
- ✓ Policy Improvements – PMC partnership
 - San Francisco Bay Conservation and Development Commission (BCDC) Bay Fill Amendment
 - Issue resolution/elevation process
 - Innovative solutions to conflicting policies
- Integrating feedback - on-line Applicant Satisfaction Feedback
- Developing website tools for the public
- Partnering with other agencies and interagency groups

By the Numbers

18 Projects

12 Projects in Pre-Application

34 Pre-Application Meetings

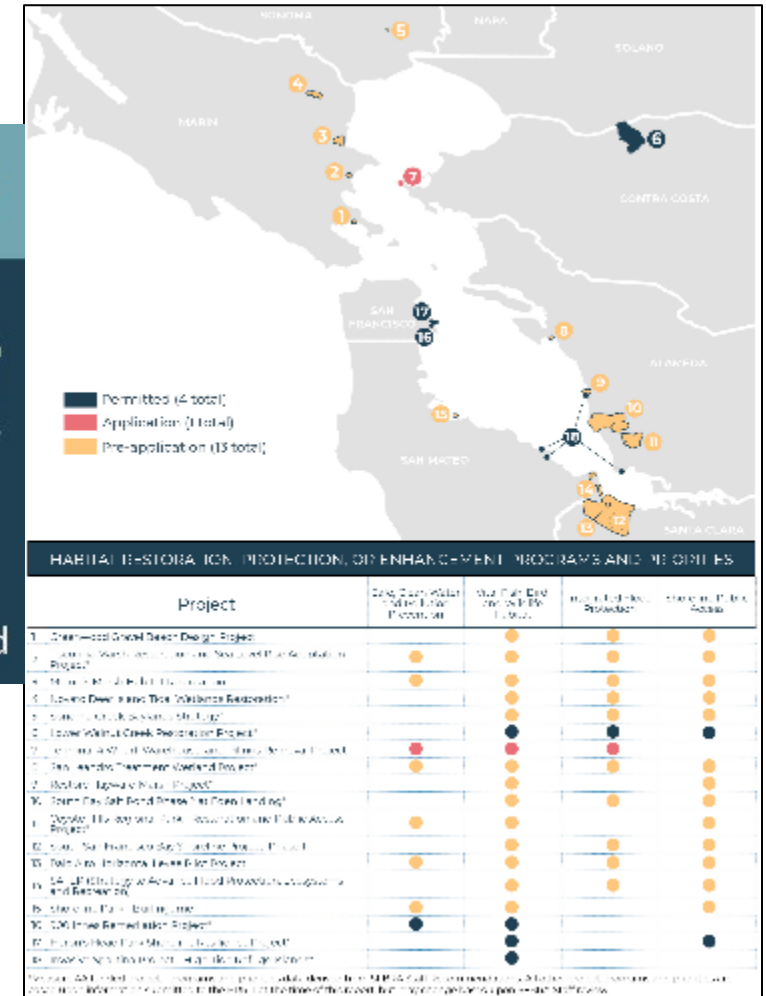
26 Post-Application Meetings

18 Interagency Coordination Meetings

7 Site Visits

5 Outreach Meetings

4 Projects Permitted



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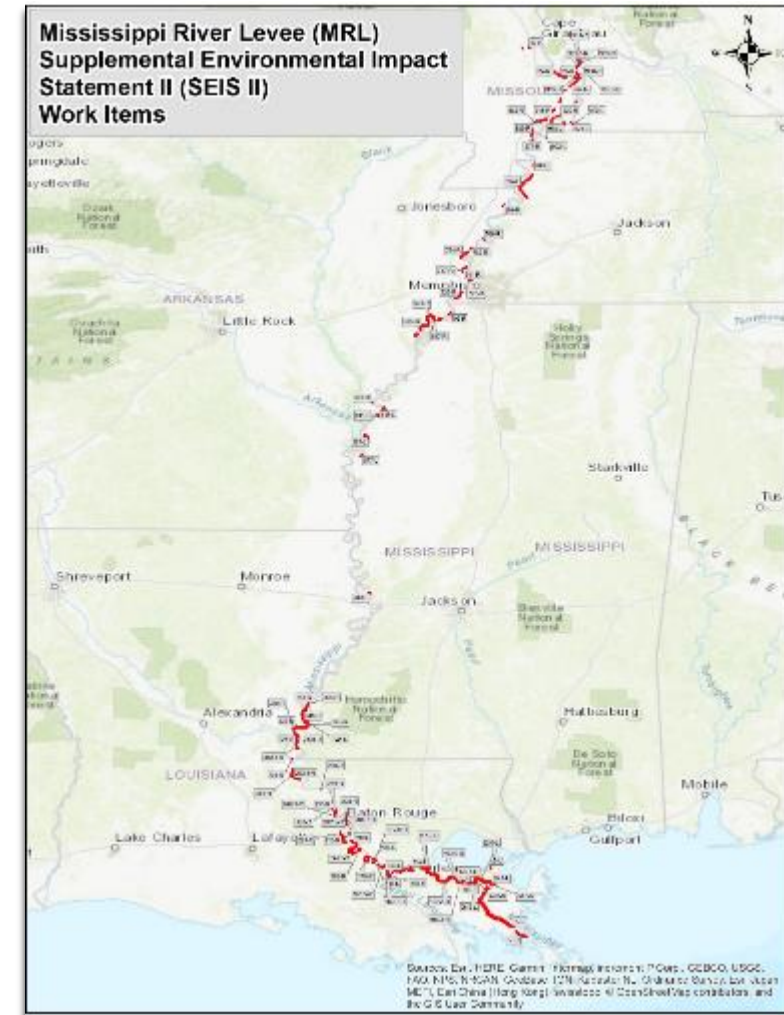
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BACKGROUND



- 143 Work Items across 3 USACE districts
- Over 1600 miles in length
- Encompasses seven states
- 34 Federally Recognized Tribes
- 3 Cooperating Agencies: EPA, USFWS, and the Osage Nation





APPROACH

12

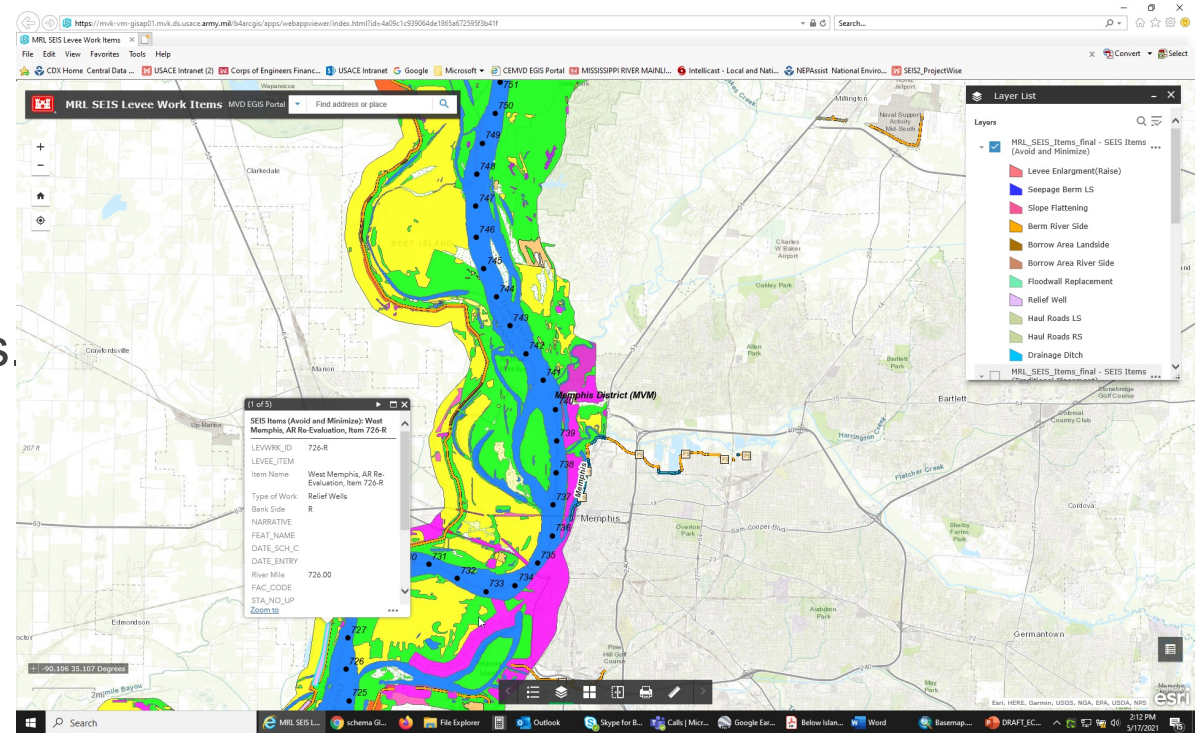


- The Challenge:

- Large project area
 - 3 USACE Districts, >100 individuals from
- from over 50 agencies across 7 states, 34 Federally recognized Tribes, dozens of project sponsors.
- Flood of 2019
- COVID-19

- The Approach:

- Bi-weekly PDT calls
- Accessible ArcGIS Portal for stakeholders
- Formal Interagency Meetings
- Monthly Cultural Resources PA Meetings
- Virtual Public Meetings during COVID-19



ArcGIS Portal used for data sharing with the interagency team.



INSIGHTS



- Insights:

- ArcGIS Portal
 - GIS personnel across districts set up schema (database structure)
- Formal interagency meetings held prior to field work, during field work, and after field work.
 - Agree on assumptions used for ecological model results
- Monthly calls with the cultural resources Programmatic Agreement team
 - Maintain momentum
- Virtual public meetings due to COVID-19
 - Small staff present at District during live presentation with larger PDT available on-line
 - Meetings livestreamed on USACE Facebook page, YouTube recordings on project website.
 - Questions/comments received via Facebook Live chat, Google Voice (converts to text), project e-mail account, etc.



OUTCOMES

- Outcomes:

- Cooperating Agency and Interagency Input
- Expedited Fish and wildlife Coordination Act Report
- EIS Comment/Response process not overwhelming
- Executed Programmatic Agreement
- Signed Record of Decision (ROD) for 143 Work Items
- Framework for future environmental compliance

RECORD OF DECISION FINAL SUPPLEMENT II (SEIS II) TO THE FINAL ENVIRONMENTAL IMPACT STATEMENT, MISSISSIPPI RIVER AND TRIBUTARIES (MR&T) PROJECT, MISSISSIPPI RIVER MAINLINE LEVEES AND CHANNEL IMPROVEMENT OF 1976 (1976 EIS), AS UPDATED AND SUPPLEMENTED BY SUPPLEMENT NO. 1, MISSISSIPPI RIVER AND TRIBUTARIES PROJECT, MISSISSIPPI RIVER MAINLINE LEVEE ENLARGEMENT AND SEEPAGE CONTROL OF 1998 (1998 SEIS) ILLINOIS, MISSOURI, KENTUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOUISIANA

The Final Supplemental Environmental Impact Statement No. 2 (SEIS II) dated December 2020, for the Mississippi River and Tributaries (MR&T) Project, Mississippi River Mainline Levees and Channel Improvement of 1976 (1976 EIS), as updated and supplemented by Supplement No. 1, Mississippi River and Tributaries Project, Mississippi River Mainline Levee Enlargement and Seepage Control of 1998 (1998 SEIS), addresses construction of remaining authorized work on the Mississippi River mainline levees (MRL) across portions of seven states: Illinois, Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana. The SEIS II supplements and, as necessary, suggests the 1976 EIS and 1998 SEIS using the primary goals of: (1) providing flood risk management from the project design flood (PDF), and (2) developing an environmentally sustainable project. The final recommendation is contained in the Final SEIS II. Based on the Final SEIS II, the reviews by other Federal, State, and local agencies, and Tribes, input of the public, and the review by my staff, I find the Preferred Alternative as described in the Final SEIS II (the Avoid and Minimize Alternative; hereafter, the Recommended plan) to be technically feasible and environmentally justified, in accordance with environmental statutes and the public interest.

The Final SEIS II, incorporated herein by reference, evaluated various alternatives related to the Mississippi River Levees that would reduce flood risks from the PDF in the Mississippi River alluvial valley between Cape Girardeau, Missouri, and the Head of Passes, Louisiana. The Recommended Plan consists of remedial measures necessary to control seepage and/or raise and stabilize deficient sections of the existing levees and floodwalls to protect the structural integrity and stability of the MRL system, as well as measures to avoid and minimize adverse impacts and compensate for unavoidable losses to significant environmental resources. The Recommended Plan includes:

- 143 Work Items summarized into the following categories: levee enlargements, floodwall deficiencies, slope flattening, seepage berms, and relief wells. Some Work Items contain multiple deficiencies (e.g., grade deficiency and seepage issues) that need to be addressed.
 - 101 Work Items recommend levee enlargements where the existing levee is not at the authorized grade.



USACE-ERDC biologist performing field work associated with habitat modeling for MRL-SEIS-II.

PROGRAMMATIC AGREEMENT

AMONG THE
U.S. ARMY CORPS OF ENGINEERS, MEMPHIS, NEW ORLEANS, AND VICKSBURG DISTRICTS
THE CHOCTAW NATION OF OKLAHOMA;
THE OKMAY NATION;
THE ARKANSAS STATE HISTORIC PRESERVATION OFFICER;
THE ILLINOIS STATE HISTORIC PRESERVATION OFFICER;
THE KENTUCKY STATE HISTORIC PRESERVATION OFFICER;
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER;
THE MISSISSIPPI STATE HISTORIC PRESERVATION OFFICER;
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER;
THE TENNESSEE STATE HISTORIC PRESERVATION OFFICER;
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING
THE MISSISSIPPI RIVER AND TRIBUTARIES PROJECT;
MISSISSIPPI RIVER LEVEE FEATURES

PREAMBLE

WHEREAS, the mission of the U.S. Army Corps of Engineers (USACE), Memphis District (MVM), Vicksburg District (MVK), and New Orleans District (MNO), is to deliver vital public and military engineering services, partnering in peace and war to strengthen our Nation's security, energize the economy, and reduce risks from disasters; and

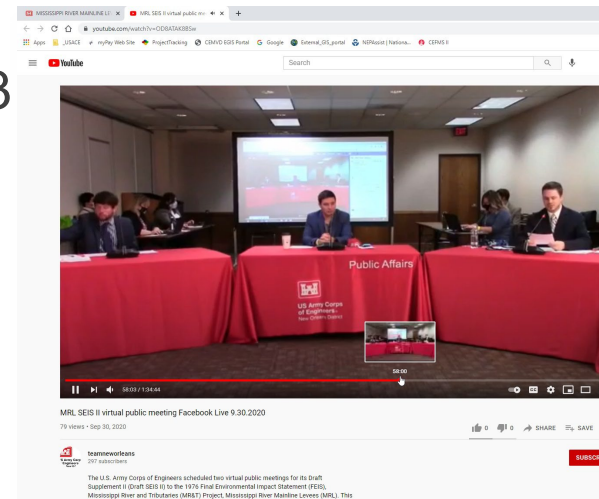
WHEREAS, the Mississippi River and Tributaries (MR&T) Project, authorized by the Flood Control Act of 1928, as amended, is designed to reduce flood risk in the Mississippi River alluvial valley for approximately 1,610 miles between Cape Girardeau, Missouri and the Head of Passes, Louisiana from the Project Design Flood (PDF); and

WHEREAS, the MR&T Project, including the Mississippi River Levee (MRL) feature assists in protecting the 36,000 square-mile Lower Mississippi River Valley from periodic overflows of the Mississippi River with a Project area in the alluvial valley that encompasses parts of the seven states of Missouri, Illinois, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana; and

WHEREAS, the MRL feature (levees and floodwalls) extends for nearly 1,610 miles along the Mississippi River beginning at the head of the alluvial valley near Cape Girardeau, Missouri and continues to approximately 10 miles above Head of Passes near the Gulf of Mexico and is considered the backbone of the MR&T flood risk management system; and

WHEREAS, there is an urgent need to design, build, maintain, operate, and repair the mainline MRL system to ensure that the system provides protection up to the level of the PDF to avoid a catastrophic failure of the MRL, at any which, would likely cause grievous loss of life and personal injury, extensive damage to property and natural resources, serious harm to river navigation, and significant and long-lasting economic and social upheaval; and

1-of-52



Virtual Public Meeting conducted for MRL-SEIS-II.





POD



VIRTUAL CHARETTE FOR THE JAPANESE CREEK CAP 205 FEASIBILITY STUDY



Lower Japanese Creek in Seward, Alaska

Presenter(s): Cindy Upah, Alaska District

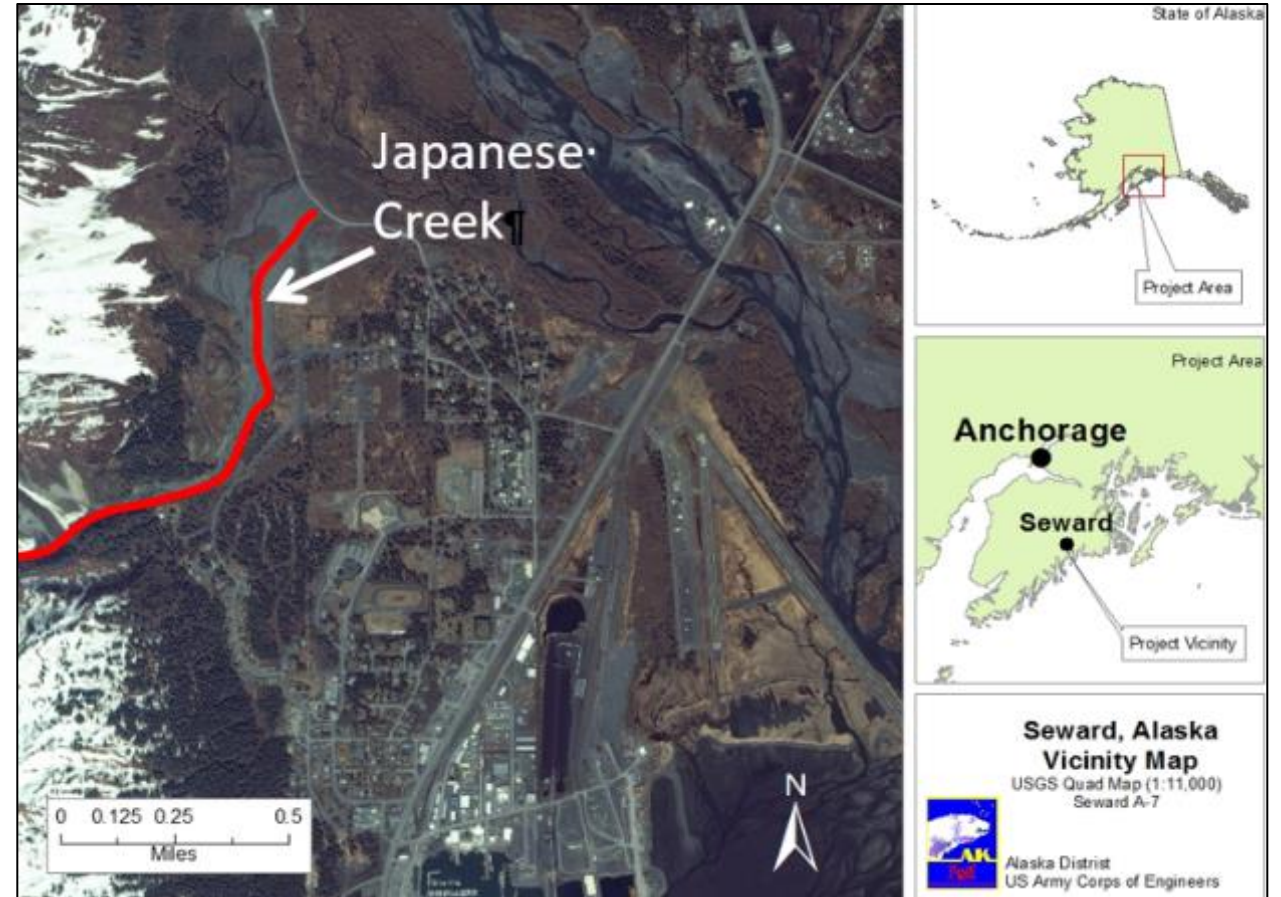


BACKGROUND

16



- Section 205 Continuing Authorities Program Flood Control Project
- Low-capacity earthen embankment along Japanese Creek protects critical roads, residential homes, and solid waste facilities from flooding
- Study Kicked off in March 2020



CBCP Restoration Roadmap



APPROACH



- **The Challenge:**
 - Maintain project continuity during the onset of the COVID-19 pandemic
 - Reach as many stakeholders as possible and make it engaging and useful
- **The Approach:**
 - Conducted a 2-day virtual Charette (one 4-hour session each day) June 2-3, 2020
 - Contracted a third-party facilitator from the St. Paul District Regional Planning and Environmental Division
 - Completed practice sessions with the presenters and sponsor to ensure familiarity with the platform
 - Provided login information and a troubleshooting contact information ahead of time
 - Identified additional helpers beforehand to assist with monitoring the chat, taking notes and facilitating the WebEx breakout groups



INSIGHTS

- Insights:

- Virtual Charette allowed the PDT to reach as many stakeholders as an in-person charette for a fraction of the cost
- Utilizing a third-party facilitator enabled the PDT to focus on presenting and preparing technical information, engaging in discussion, and answering questions.
- A variety of outreach tools like polling, breakout groups and interactive WebEX features encouraged participation and engagement.
- Identifying Breakout Group leaders ahead of time was helpful for productive sessions
- Sponsor-led virtual site visit was a big hit!
- Lack of face-to-face networking made it more difficult to foster relationships with stakeholders

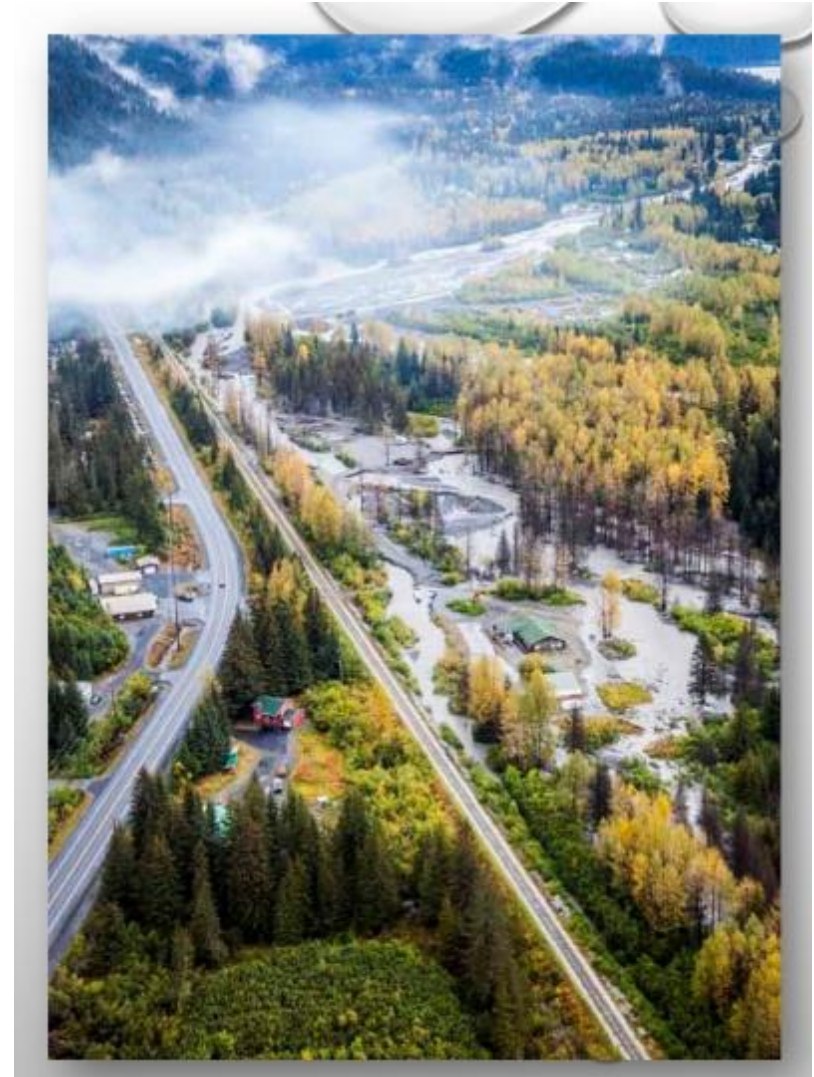
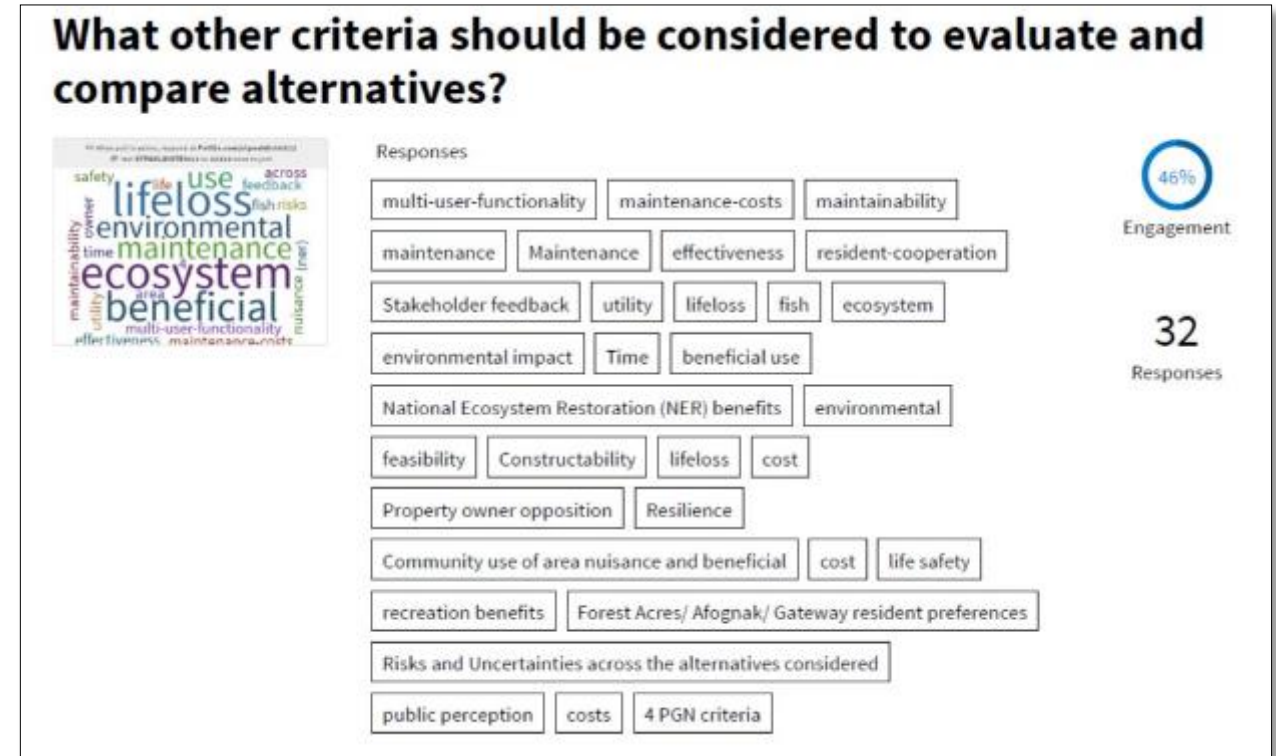


Photo of Salmon Creek from Sponsor-led virtual site visit





- Extensive list of measures to be considered in project alternatives
 - Valuable site information from sponsor and stakeholders that would not be able to attend in person
 - Project terminated in June 2021 due to lack of expected flood damages.
- Structural and nonstructural measures collected from the charrette helped the PDT ensure a thorough analysis of alternatives.



Sample from Poll Everywhere charette results



DISCUSSION



- ☐ Please chat your questions
- ☐ Press the red microphone button next to your name in the participant list if you would like to come off mute to verbally ask a question



GENERAL INFORMATION



CPCX-MSC Liaisons

- ❑ David Bauman, South Atlantic Division
- ❑ Matt Rabe (acting), Northwestern Division
- ❑ Roselle Henn Stern, North Atlantic Division
- ❑ Kate Bliss, Pacific Ocean Division
- ❑ Melanie Ellis, Southwestern Division
- ❑ Matthew Shanks, Great Lakes & Ohio River
- ❑ Cindy Tejeda, South Pacific Division
- ❑ Crorey Lawton, Mississippi Valley Division

Public Involvement Specialists

- ❑ 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/_CPP/default.aspx

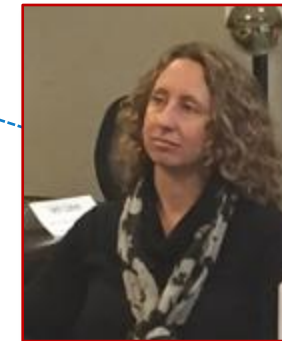
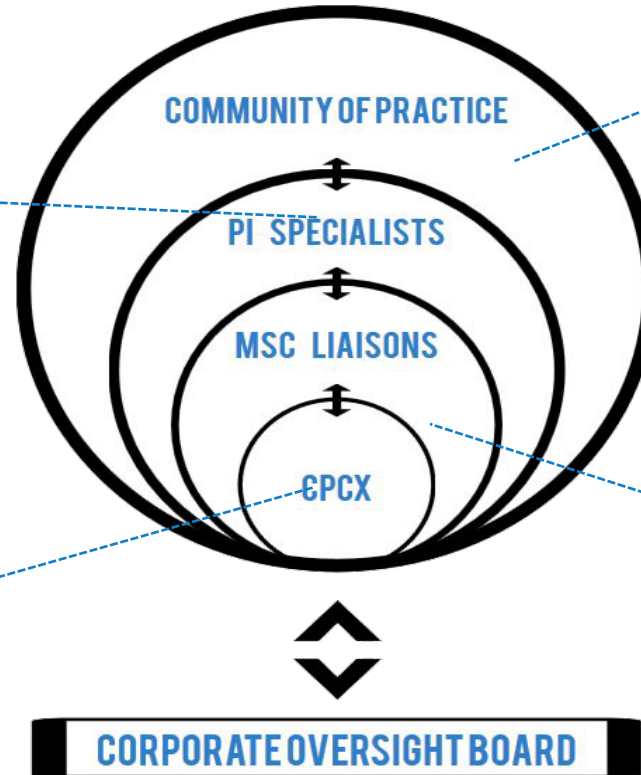
Annual ECCR Reports

<https://www.iwr.usace.army.mil/Missions/Collaboration-and-Conflict-Resolution/CPCX/Activities-of-the-CPCX/USACE-Annual-ECR-Reports-to-CEQ/>

Link to access these slides & related info

https://cops.usace.army.mil/sites/_CPP/Shared%20Documents/Forms/AllItems.aspx?RootFolder=%2Fsites%2FCPP%2FShared%20Documents%2FPast%20Webinars%2FECCR%20Webinar%202021&FolderCTID=0x012000D1F96D8EDBEB4F4D85D9C2B7E816C54D&View=%7B8DF63935%2D777E%2D42E4%2DACF7%2D88DE670E6C96%7D

USACE COLLABORATION COMMUNITY



- *Champion: DCW*
- *Proponent: Joe Redican*