

CECW-P

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Planning
STAKEHOLDER ENGAGEMENT, COLLABORATION, AND COORDINATION

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1. Purpose. This pamphlet explains the benefits of, and requirements for, stakeholder engagement, collaboration, and coordination in Civil Works planning studies. These activities are critical to study success because they may foster trust and credibility between the U.S. Army Corps of Engineers (Corps) and the communities we serve; increase collective understanding of problems; reduce controversy and litigation risks; and improve the quality and execution of our decisions.

2. Applicability. This pamphlet applies to all Corps elements, major subordinate commands, districts, laboratories, centers, and field operating activities. This Engineering Pamphlet (EP) supersedes/rescinds Appendix B of ER 1105-2-100 Planning Guidance Notebook.

3. Distribution Statement. Approved for public release. Distribution is unlimited.

4. Definitions.

a. Public. The public refers to any entity outside the Corps. The public includes tribal and local government entities and officials; public and private organizations; individuals; institutions; study sponsor representatives; community groups; and populations of interest in environmental justice or social vulnerability considerations.

b. Stakeholders. Stakeholders include any member of the public that might be able to affect, are affected by, or are interested in, the results of the Corps planning process. They are people or groups who see themselves as having rights and interests at stake, either directly or indirectly. Some people may not realize they are stakeholders, i.e., that they are affected by a Corps study, such as those identified as socially vulnerable populations. Federally recognized tribes (as defined in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5130) and including Alaska Natives are not considered stakeholders due to their sovereign status.

c. Coordination. Coordination is the formal exchange of information and views by letter, report, meeting, or other prescribed means, between the Corps and another agency. Coordination activities are required by, and consistent with purposes and procedures established by federal policy (Public Law, executive order, agency regulation, memorandum of agreement, etc.).

d. Collaboration. Collaboration, meaning to co-labor, occurs when the Corps works jointly with stakeholders throughout the planning process to realize more comprehensive problem resolution and better-informed decision making. The intent of collaboration is to ensure that federal activities reasonably consider the needs, interests, and concerns of stakeholders. When the Corps collaborates with someone, we allow that person a relatively high level of influence in our planning process. This is often true with cost-share partners (i.e. non-federal sponsors and local partners), those we work with to co-manage a study or project, or those that will be involved in implementing the project. Collaboration is distinguished from coordination through

the active engagement of the collaborating parties in conducting studies and or implementing recommended projects.

Communication Plan.¹ The Communication Plan describes the process for exchanging information about the study. It includes a stakeholder engagement strategy that explains how the Corps will provide stakeholders with information and integrate their input into the planning process. The complexity of the project and impacts to stakeholders will determine the appropriate level of detail for the Communication Plan. The Communication Plan for the project is a supporting document that facilitates the implementation of the Project Management Plan (PMP). The communication plan is updated throughout the course of the study and is used in subsequent steps of the project delivery process.

5. Goal and Objectives.

a. The goal of stakeholder engagement and coordination is to give full consideration to all views and information, improve the quality of decision-making, and increase the legitimacy of the decision reached by establishing and maintaining channels of communication with stakeholders throughout the planning process. The result is a better recommendation, alternative, strategy, or potential list of additional projects that is implementable and sustainable.

b. The objectives of stakeholder engagement are to:

(1) Provide stakeholders with clear, concise, and timely information about proposed Corps activities;

(2) Learn from stakeholders with diverse perspectives and incorporate the scientific, technical, and social information they are able to provide into the planning process;

(3) Make the stakeholders' desires, needs, and concerns known to decision-makers and respond to their concerns;

(4) Manage conflict by discussing and resolving differences as they arise, thereby reducing study and implementation risks; and

(5) Consider the stakeholders' views in reaching decisions.

c. Stakeholder engagement, collaboration, and coordination must, however, maintain the understanding that the Corps retains final decision-making responsibility for actions within its authority.

¹ More information and resources can be found in USACE Enterprise Standard 28000, Communication Planning.

6. Requirements.

a. District offices must conduct planning studies in an open and transparent way to obtain public information, opinions, understanding, trust, and mutual cooperation, and must provide the public with opportunities to participate throughout the planning process consistent with all relevant laws. In addition, each District office must:

(1) Assess the appropriate level of stakeholder engagement and public involvement at the outset of the study and document the associated risks in the risk register.

(2) Pursue a higher level of stakeholder engagement than required by law for studies of high cost, complexity, interest, or controversy. In these cases, a higher level of engagement increases the likelihood that stakeholder concerns have been addressed when the study is completed and that the project is not stalled by courts or Congress.

(3) Develop and implement an effective stakeholder engagement strategy as an integral part of the planning process for each study, as documented in the Communication Plan appended to the PMP.

(4) With the cooperation of the non-federal sponsor and local partners, develop and implement stakeholder engagement roles and responsibilities to ensure that effective collaboration is an integral part of the feasibility study process.

(5) Discuss in the feasibility report how information gained from stakeholder and sponsor engagement influenced and/or was used in the planning process.

b. There are a myriad of federal laws and executive orders (E.O.s) that regulate how the Corps involves stakeholders. Several key laws are:

(1) The Administrative Procedure Act. One of the principal legislative acts requiring public involvement, this act requires federal agencies in the United States to keep the public informed of their organization, procedures, and rules, and to provide opportunities for the public to comment on proposed rulemaking.

(2) The National Environmental Policy Act (NEPA)(Public Law 91-190). Both the Corps Procedures for implementing NEPA and the Council on Environmental Quality (CEQ) requirements for public involvement in NEPA explain the required public involvement steps after a decision is made that an Environmental Impact Statement (EIS) or supplement will be prepared. A first key step is the scoping process that begins with a notice of intent. CEQ regulations (40 CFR 1501.7) require that the federal agency conduct a scoping process to identify the likely significant issues and the range of those issues. Since much of the information on significant issues rests only with the public, public involvement must be an integral part of the scoping process. Scoping meetings may be held informally with other federal, state, local, or private groups. Draft EISs must be made available for the public to review and comment on via a Notice of Availability posted to the Federal Register via the online NEPA system. Public

meetings must be held during the public comment period to describe the project and provide an opportunity for the public to ask questions and make comments. The comments received and any underlying documents must be made available to the public per the provisions of the Freedom of Information Act (5 U.S.C. 552).

(3) The Federal Advisory Committee Act (FACA) (Public Law 92-463). FACA establishes approval and other requirements for advisory committees, boards, councils, conferences, panels, task forces, commissions, or other similar groups formed in the interest of obtaining advice or recommendations. If an advisory committee is wholly comprised of full-time officers or employees of the federal government, is not created or managed by the Corps, and is not a group that provides consensus advice then it is exempt from the FACA requirements. If an advisory committee not exempt from the Act is desired as a part of a study, approval must be requested through HQUSACE (CERM). No advisory committee may be established prior to approval. Army Regulation AR 15-1 describes information required to establish an advisory committee under the Act.

c. Specific laws and E.O.s requiring coordination include but are not limited to:

- (1) E.O. 13175 – Consultation and Coordination with Indian Tribal Governments.
- (2) E.O. 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.
- (3) Fish and Wildlife Coordination Act.
- (4) National Historic Preservation Act (54 U.S.C. 306108).
- (5) Coastal Zone Management Act.
- (6) Coastal Barrier Resource Act.
- (7) Clean Air Act.
- (8) Magnuson-Stevens Fishery Conservation and Management Act.
- (9) Endangered Species Act.
- (10) Clean Water Act.

7. Stakeholder Engagement Strategy.

a. During the development of the PMP, and specifically the Communication Plan, the study team conducts a preliminary assessment of the probable level of public interest through research and discussions with the sponsor. Once the study is underway, the team will collect more

information to determine the level of engagement required for different stakeholder groups, establish a more detailed strategy for providing stakeholder groups with information, and integrate the input received into the planning process. The study team should determine the best mix of engagement methods based on the parameters of the study and the level of interest in the community.

b. The purpose of engaging the public early in the planning process is to gain a clearer understanding of the problems the plan will address, the intensity of public interest, the segments of the public most likely to participate, who has relevant information/data, and the kinds of issues that are most likely to generate additional public interest. Raising and addressing issues and concerns early on prevents surprises and setbacks later in the study and during implementation. The steps for developing a stakeholder engagement strategy are below; they comprise the sections of the Communication Plan:

(1) Stakeholder Assessment.

(a) Identifying project stakeholders is crucial both initially and throughout the planning effort. Three methods are typically used to identify stakeholders: self-identification, third party identification, and staff identification. Self-identification means that individuals or groups step forward and indicate an interest in participating in the study. Third party identification is a technique in which existing committees, interest groups, or representatives of known interests are asked to identify other individuals or interests who should be involved. Staff identification is when staff use their experiences or existing lists of groups and individuals and geographic, demographic, historical, and social vulnerability analyses to identify stakeholders.

(b) The assessment will include a description of the preliminary consultation activities that led to the development of the stakeholder engagement strategy, including the agencies, groups, and individuals consulted, as well as an analysis of the major issues that stakeholders want addressed in the planning process.

(c) The assessment must identify those stakeholders who share decision-making authority. This may include the cost-share sponsors, agencies with approval or permitting authority, agencies with expert knowledge about some aspect of the project such as natural resource agencies, agencies that could play a role in implementation, or agencies whose political support is essential for project approval, funding, or implementation. With the cost-share sponsor and other partners, the study team will:

- Agree on decision-making process. Typically the partners form a team that manages the day-to-day planning study; however, not every partner has equal decision-making authority. Partners should agree upfront on how decisions will be made, and this agreement should be documented. The Corps will retain its decision-making responsibilities, as required to comply with law and policy. The collaborative process will inform decision documents, but the ultimate recommendation in the decision document is the recommendation of the Chief of Engineers to the Congress and the Administration.

- Develop organizational arrangements and agreements. It is important to define the organizational relationships upfront, and document them in written agreements. Agreements may also cover "process issues" describing how the partners will work together, such as frequency and duration of meetings and participation of "non-partners" during meetings.

(2) Level of engagement.

(a) When designing a strategy for stakeholder engagement, collaboration, and coordination, the project team should use CEQ's Spectrum of Engagement.² This spectrum provides a useful framework for determining the level of engagement for each stakeholder group. When adapted for the planning context, this spectrum offers four levels of potential engagement with other stakeholders:

- Inform. Provide sufficient information for stakeholders to understand the issues being addressed through the planning process.
- Consult. Obtain feedback on the issues being addressed, the alternatives considered, and the analysis of impacts. Provide documentation of how the input was considered in the decision-making process.
- Involve. Consistently solicit and consider parties' input throughout the planning process to ensure that parties' concerns are understood and addressed in the alternatives considered. Provide iterative feedback on how their input is considered in the decision-making at various steps.
- Collaborate. Directly engage parties in working through each step of the planning process. Seek their advice and agreement on problems, opportunities, objectives, conditions, and alternative plans.

(b) Using information from the stakeholder assessment, additional research, and feedback from partners, the team will refine their initial assessment of the level of public interest, potential controversy, and litigation risks likely to be generated by the actions under consideration. The result of this detailed assessment will alert the team as to the level of engagement needed overall, and for each stakeholder group in particular. The team will communicate that level to the stakeholders so as to manage expectations of each group involved. For high risk or highly controversial study components, the team will propose the level of engagement as an action in the risk register and agree on the acceptable level of risk associated with this level of engagement. Vertical team alignment on the level of engagement needed ensures the team can address varying levels of interest and controversy and minimize potential schedule and budget impacts.

² Council on Environmental Quality (2007). "Collaboration in NEPA: A Handbook for NEPA Practitioners." Available at http://energy.gov/sites/prod/files/CEQ_Collaboration_in_NEPA_10-2007.pdf

(3) Information exchange.

(a) The team will identify information that needs to be provided to the stakeholders, and information needed from the stakeholders, at each step of the planning process.

- Steps 1-3: The study team will use various stakeholders' data and knowledge to help identify the problems, opportunities, objectives, and constraints. Local knowledge is critical for inventorying and forecasting future conditions in the area. Alternative plans should address the objectives and constraints and reflect input from stakeholders.
- Steps 4-6: The objective evaluation and comparison of alternative plans should reflect the early input of stakeholders, cost share partners, and environmental agencies in the study problems, opportunities, objectives, and constraints, as well as the laws and regulations guiding Corps decision processes. Objective evaluation and comparison of plans is distinct from the subjective preferences or popularity of plans. Viable plans are not eliminated or avoided because the sponsor or public prefer another alternative; however, sponsor and public acceptability should be discussed in the evaluation and comparison of alternatives. Selecting the recommended plan is the responsibility of the Corps, after evaluating the input of stakeholders. In cases where the non-federal sponsor prefers a different plan, the non-federal sponsor may request a locally-preferred plan, which could become the recommended plan if approved by the Assistant Secretary of the Army for Civil Works.

(b) Key messages will be developed to identify common language and terminology for use by Project Delivery Teams and partners to ensure clarity and consistency. Key messages will address what stakeholders need to know about the study, stakeholder concerns, and what information stakeholders can provide to better inform the study, such as environmental, community, and social considerations. Messages are memorable, brief, positive, understandable, and sensitive. Key messages are especially useful when working with the media. Media relationships should be conducted by or in coordination with the Public Affairs Office (PAO). The PAO is skilled in techniques for the presentation of information to the public and in techniques for working with various types and levels of the media.

(4) Communication methods.

(a) Various communication methods should be used to exchange information. When selecting a communication method, the team should consider what will be appropriate and effective for different kinds of stakeholders. Some methods may require expertise from outside the district, such as approaches for engaging socially vulnerable populations. Methods to inform can include social media, fact sheets, newsletters, web sites (one per study), open houses, and panel presentations. Methods to collaborate can include workshops, deliberate polling, individual and/or group consultations, interagency working groups, and joint fact finding.

- Meetings. The guiding principle of designing effective meetings is that "format follows

function," meaning the design of the meeting should reflect the level of engagement desired—inform, consult, involve, or collaborate. In designing a meeting, planners should: identify the meeting objectives or desired product; identify the information the attendees will need; select a series of activities that will result in meeting the objectives and production of the desired product; and design a simple mechanism for evaluating the meeting's success. For meetings involving contentious issues, use of an external facilitator or mediator will improve the likelihood of a productive and successful meeting.

- **Public Meetings.** The need for public meetings in a particular study will depend on the study type and complexity. Public meetings should be considered for all studies and are also required as part of the NEPA scoping process when preparing an Environmental Impact Statement. Public meetings should be designed to be fair and impartial two-way communications and conducted as informally and simply as possible. The Corps has discretion on the meeting format. Meetings should be held at a time and locality convenient to the expected audience, normally in the area of the study. Meetings should be planned for the middle of the comment period to give members of the public sufficient time to have reviewed documents before the meetings and additional time for review after the opportunity to ask questions at the meeting. The meeting announcement should be sent sufficiently in advance of the meeting to allow attendees to plan for the meeting and should contain sufficient information to allow the prospective attendee to decide if attendance would be beneficial. The language used in the announcement should be nontechnical and the tone should reflect a sincere intent to produce a fair exchange of views and information. Distribution of the announcement should be as widespread as is consistent with the study and include the members of Congress and the Governor(s) of the State(s) involved. The record of the meeting should be consistent with the type of meeting being held. A meeting involving significant controversy may require a verbatim transcript, while a meeting involving less controversy may require a short summarization.

(b) Shared Vision Planning. Shared Vision Planning (SVP) is a method for collaboration where stakeholders believe they will accomplish more of their goals working together than by operating alone. SVP is a collaborative approach to formulating water management solutions that combines three disparate practices: 1) traditional water resources planning, 2) structured public participation, and 3) collaborative computer modeling.

(c) **Questionnaires.** Public surveys can be valuable tools for obtaining specific information and public preferences. Questions must always be organized around very specific objectives, a data or content analysis plan, and a plan for using the survey results in the planning process. As required by the Paperwork Reduction Act of 1995, Public Law 104-13, the Office of Management and Budget (OMB) must approve any questionnaire to be responded to by ten or more U.S. citizens or U.S. firms, organizations or agencies outside the Federal Executive Branch. Prior to the use of questionnaires for planning studies, field offices must submit a form SF-83 to HQUSACE (CECW-P). Army Regulation (AR) 335-15, Chapter 4, and the USACE Supplement 1 to AR 335-15, describe the required information and process. OMB has pre-

approved a group of questionnaires for collection of planning data. The questionnaires are found under OMB-approval number 0710-0001, "Questionnaires for U.S. Army Corps of Engineers Civil Works studies." The questionnaires cover the range of data that would generally be collected by surveys in water resources studies. Use of the questionnaires is subject to the process in ER 1165-2-503. (Note: Non-federal sponsors cannot conduct a survey on behalf of the Corps to avoid seeking approval from OMB.)

(5) Cost estimate, schedule, and evaluation.

(a) The completed Communication Plan will include a stakeholder assessment; agreed-upon level of engagement for those stakeholders; information to provide to and receive from stakeholders; and sequential communication methods matched to the desired level of engagement and integrated with the study decision-making timeline. An associated budget and timeline for these communication methods must be included. The budget must be reflected in the cost estimate in the PMP, including an appropriate contingency cost (and schedule) for any potential modifications to the plan and resulting changes to the stakeholder engagement strategy.

(b) The plan will also include appropriate review points at which to revisit the issues and stakeholders identified and evaluate the structure and function of the stakeholder engagement. Feedback from stakeholders and after-action reviews should be used to adjust the stakeholder engagement strategy as needed. Evaluation methods can be qualitative or quantitative. Example qualitative methods include focus groups and one-on-one interviews, public meetings comment cards, website forms, and email sent to distributions or listserves. Example quantitative metrics include the number of people attending meetings, number of people receiving mailings, or number of website hits.

(c) The implementation of the stakeholder engagement strategy will be one component of the Feasibility Report, captured in the report's section on public involvement and appendix that discusses how stakeholder input contributed to the study, decision-making process, and recommendation.

8. Coordination with State and Local Governments under E.O. 12372. Division and District commanders must coordinate civil works planning programs with State and local governments consistent with E.O. 12372 (Intergovernmental Review of Federal Programs) and 33 CFR 384 (Intergovernmental Review of the Department of Army Corps of Engineers Programs and Activities).

a. Notification Requirements. Division and District commanders must continue to directly notify all affected and interested State, area wide, and local governmental interests and must not rely on a state "single point of contact" (SPOC) to distribute notifications. Notices to interested parties must reference E.O. 12372; must indicate whether or not the program for which notice is being made has been selected by the affected State, or states, for coordination under the Executive Order procedures; must state that comments and responses to the notice should be sent directly to a designated Corps official in addition to the State SPOC in those cases where the

program has been selected; and must not state that the public will be notified, if the report recommendations are materially modified prior to project approval.

b. **Effective Coordination.** Division Commanders must adopt such procedures as may be necessary to assure coordination is achieved with states in a manner consistent with 33 CFR 384 and the processes established by the individual states. Problems should be referred to HQUSACE (CECW-P) if they cannot be resolved to the Division Commander's satisfaction in the field. Substantive comments received from a SPOC should be acknowledged in writing, even if SPOC comments are fully accommodated.

9. Consultation and Coordination with Indian Tribal Governments. Division and District Commanders must coordinate civil works planning programs with American Indian and Alaska Native governments (hereinafter referred to as "Tribes") consistent with E.O. 13175 "Consultation and Coordination with Indian Tribal Governments" and Department of Defense (DoD) policy. The Corps has an obligation for pre-decisional government-to-government consultation consistent with the USACE 2012 Tribal Consultation Policy. District and Division commanders will fully integrate the principle and practice of meaningful consultation and communication with tribes by:

a. Recognizing that there exists a unique and distinctive political relationship between the United States and the tribes that mandates that whenever DoD (Corps) actions may have the potential to significantly affect protected tribal resources, tribal rights, or Indian lands, DoD (Corps) must provide affected Tribes an opportunity to participate in the decision-making process that will ensure these tribal interest are given due consideration in a manner consistent with tribal sovereign authority;

b. Consulting, consistent with government-to-government relations and consistent with protocols mutually agreed to by the particular tribe and DoD, including necessary dispute resolution processes;

c. Providing timely notice to, and consulting with, tribal governments prior to taking any actions that may have the potential to significantly affect protected tribal resources, tribal rights, or Indian lands;

d. Consulting in good faith throughout the decision-making process; and

e. Developing and maintaining effective communication, coordination, and cooperation with tribes, especially at the tribal leadership-to-Division and District Commander levels.

10. Exclusions. The Commander will have the discretion to modify public engagement requirements for emergency planning studies under Section 14 of Public Law 79-526, as amended (Continuing Authorities).

FOR THE COMMANDER:



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Chief of Staff