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RESOURCE GUIDE

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Reports on a model study of the use of joint fact-finding techniques to help resolve complex environmental issues. The substantive focus of the Bight Initiative was the issue of managing PCBs in the ocean region adjacent to New York Harbor known as the New York Bight. This chapter authored by Scott McCreary is one of 17 case studies, which complements seventeen chapters on specific topics in Consensus Building.


Examines why policies and laws intended to protect the environment often do not work. In particular, Gamman addresses the fundamental reasons why efforts to protect natural resources in the developing world generally fail. Recommends a new open model of decision making to strengthen environmental decision making.


Describes the advantages of joint fact-finding techniques over the more traditional "blue ribbon panel" and "adversary science" models. Describes how to implement joint-fact-finding techniques. Finally, the paper suggests means for linking the results of the joint fact-finding process to a final agreement. Summarizes CONCUR's use of the technique in several cases.


Presents a typology to classify the way coastal management literature addresses conflict resolution. Describes the need for detailed case studies on the use of alternative dispute resolution to solve complex coastal issues with multiple parties. Presents two case studies of CONCUR's work as a neutral mediator to resolve issues using a formal impasse model emphasizing stakeholder analysis, joint fact-finding and single text negotiation.


Examines the sources of complexity in coastal resource management disputes nationally and internationally. Presents a brief case study of mediation-based planning for the Tijuana Estuary Research Reserve of the U.S.-Mexico Border. Focuses on the need for a national dialogue on resolution of coastal land use conflicts in Israel.


Presents four propositions to frame a cross-cultural discussion about the potential scope of participation in planning and design disputes. Examines the role of planners and designers and the relative merits of convening structured negotiation processes.


Combines technical information with underlying environmental policy disputes. This paper highlights mediated joint fact-finding as a strategy for building understanding and resolving technically complex issues.
WORKING PAPERS cont.

WP-96-01 $7.00
Major Patterns and Major Players in Regional Land Use Change
Addresses the following questions: What are the key findings from Effects of Land Use Change and Intensification on the San Francisco Estuary? Since CCMP adoption, have there been major changes in our system of land use decision making? Which players can make a difference in land use planning and it affects the Estuary? Lists nine specific recommendations for a land use action agenda for policy makers, land use planners, and scientists.

WP-93-01 $7.00
Describes necessary preconditions for successful contracting. The paper reviews advantages and disadvantages posed by different types of project opportunities.

WP-93-02 $7.00
Details the components of the SHP's Comprehensive Conservation and management plan, including its consensus-building aspects. The paper suggests some criteria for weighing the project's effectiveness.

WP-93-03 $7.00
Can Mediation Help Resolve Napa County's Top Ten Public Policy Disputes? Scott McCreary and Chuck Meibeyer. Based on a presentation at the Napa Mediation Week Reception, April 22, 1993.
Focuses on the possibilities of using mediation and mutual gains bargaining to resolve ten of Napa County's public policy disputes, which are fairly typical of local land use issues.

WP-93-04 $7.00
Gives city attorneys practical advice in deciding when to initiate mediation, what kinds of qualifications to seek in recruiting a mediator, and the kinds of steps to build into a mediation process. The paper includes questions to use in choosing a mediator and outlines several specific roles for city attorneys.

WP-93-05 $7.00
Presents the results of a watershed classification exercise undertaken for the San Francisco Estuary Project. Using specific data about the San Francisco Estuary, illustrates the classification and ranking methodology and the results it yields. Outlines the rationale for classification and describes the methodology, findings, conclusions, and recommendations.

WP-93-06 $7.00
Prepared for our demonstration project with USEPA, this paper illustrates ways to strengthen the existing institutional and legislative framework to improve watershed protection. Describes existing arrangements and proposes three new strategies: Storm Water Management Plans now required by the Regional Water Quality Control Board, specific amendments to the General Plan guidelines, and recommendations to optimize the use of the California Environmental Quality Act (CEQA).

WP-93-07 $7.00
Presented to the San Francisco Planning and Urban Research Association (SPUR) this paper reviews some challenges in California Environmental Policy Making, characterizes the fragmented nature of Bay Area Environmental Management and also characterizes some subregional initiatives that show promise in breaking institutional deadlocks.
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WORKING PAPERS cont.

WP-92-01 $7.00

Discusses the process by which the landmark Louisiana Environmental Action Plan was created and ratified. This comparative risk project used mediation techniques to name and rank Louisiana’s 35 most pressing environmental issues. All parties to the negotiation signed the final agreement.

WP-92-02 $7.00

A 3-page paper fully described by its title. Includes a table of criteria for evaluating the success of public policy mediation.

WP-92-03 $7.00

Discuss the need for a ratification step to bring the mediation process to a logical conclusion. Using two examples it shows how informal agreements can be translated into binding agreements. Finally, it provides advice for mediators and facilitators.

REPRINTS

R-99-01 $4.00

Characterizes the value-based conflicts that watershed managers are likely to face in planning. The authors propose that utilizing collaborative decision-making strategies is important, but successful long-term watershed planning requires rebuilding a community-based infrastructure that can support important social and bioregional networks and partnerships.

R-99-02 $4.00

Presented at Coastal Zone '99. Tracks the development and execution of a joint fact-finding process to craft an agreement on water conservation as part of the CALFED Water Use Efficiency Program. Written from the dual standpoints of an agency convenor and a nonpartisan facilitator.

R-99-03 $4.00

Presented at the 1999 Chiba Conference on the Future of the Sanbanze Wetlands of Tokyo Bay. Tracks four rounds of planning for the San Francisco Estuary. Round 1 focuses on the creation of the Bay Conservation and Development Commission to regulate bay fill. Round 2 covers the San Francisco Estuary Project. Round 3 is the Wetlands Goals Project. Round 4 is the CALFED Bay-Delta Program. Concludes with a list of questions for consideration by Japanese citizens, scientists, and elected officials regarding planning for wetlands and estuaries in Japan.

R-99-04 $4.00

Presented at the 1999 Pacific Rim Conference on Public Participation and Planning, convened at UC Berkeley. Presents three case studies of CONCUR’s work crafting agreements involving complex issues and multiple parties. Case 1 involves policy for land use adjacent to the San Francisco Estuary. Case 2 involves a dialogue regarding copper reduction in the South Bay. Case 3 reviews the independent scientific review of the CALFED Bay-Delta Program. The paper concludes with advice for successful facilitation of environmental disputes.
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REPRINTS cont.

R-99-05 $4.00
Negotiating Agreements for Integrated Flood Control: Guadalupe River Flood Control Project Collaborative
Available at: http://www.asu.edu/caed/publications/proceedings99/MCINER/MCINER.HTM
Prepared at the 1999 American Planning Association Annual Conference. A case study presentation focusing on CONCUR's facilitation and mediation of the Guadalupe River Flood Control Project. Details the step-by-step process of agreement building among diverse interests and the process by which joint fact-finding was used to evaluate and select a preferred project.

R-99-01 $4.00
This article discusses the relationship of culture to environmental negotiations, and the importance of the "culture of decision-making." Included in the article are two case studies of environmental negotiations in the Caribbean. Finally, the author examines how to create negotiated partnerships for sustainable development.

R-95-02 $4.00
Reviews the author's experience on a team that conducted an independent review of environmental impacts associated with oil and gas exploration in Ecuador's Oriente (Amazon) region. Examined in the article are the strategies used for framing the issue for investigation, information gathering methods used to redress power imbalances, and the presentation of and response to the Independent Review Team's report. Concludes with recommendations for using an independent review team model to initiate cross-cultural negotiation.

R-94-01 $4.00
Describes problems with current siting approaches and describes elements of developing a new, consensus-oriented approach, using consensus-based agreements. Discusses critical elements in facility siting and preventing unstable relationships between the parties. A consensus decision-making process for siting controversial facilities is outlined, including establishing key advisory groups, bypassing a facility siting dialogue, and transforming conflict into an opportunity to gain agreements.

R-94-02 $4.00
Discusses the steps to successful land-use dispute resolution, and describes key factors to consider in choosing mediation.

R-94-03 $4.00
Examines the procedures and findings of Louisiana's effort to bring together scientific information and public perceptions in a comprehensive risk analysis of pressing environmental problems.

R-92-01 $4.00
Reports on the methods, findings, and policy implications of a major study undertaken for the San Francisco Estuary Project to summarize the legislative impacts for improved estuarine management. Also included is a discussion of the authors' analysis of the effects of land use change on the estuary, and how the findings relate to several management options to help frame the debate over estuarine management.

R-85-01 $4.00
Presents four case studies of nonadjudicatory approaches that have proven successful in resolving coastal resource management disputes in California, Massachusetts, and Oregon. Includes discussion of the elements and aspects of the different approaches. Describes barriers to more widespread use of less adversarial forms of dispute resolution and suggests ways of overcoming these barriers.

Outlines a presentation for the World Affairs Council Annual Conference convened at Asilomar, California in 1995. The paper presents six challenges for addressing global environmental problems, and six ways to help resolve them.

Meeting the Challenges of Mediating Land Use and Environmental Disputes in California in the 1990’s. Scott McCreary, April 28, 1995.

Addresses some of the special challenges and opportunities posed by the mediation of land use disputes in California. It sets forth some hopeful trends for land use mediation, and proposes a preliminary agenda for encouraging land use and environmental mediation in the state.

Growth Management: Impacts of Population Growth on Natural Resources (Water, Air, and Land) in the San Francisco Bay Area

This report, prepared for the Bay Vision 2020 Commission, includes a comprehensive look at future water supply and demand in the Bay Area counties. In addition, the paper documents the current system of governance for air, water supply and water quality, and land use.


This paper consists of the 78-page negotiated single text of the New York Bight Initiative. It represents the results of a joint fact-finding process, and summarizes the sources and effects of contaminants on the marine environment of the New York Harbor region. Also included are 26 specific policy recommendations.

The Role of Negotiation in Environmental Management, CONCUR, 2000.

Outlines a series of factors that have elevated the importance of negotiation in the suite of tools in environmental management.

Key Principles to Consider in Structuring a Negotiation-Based Process, CONCUR, 2000.

Describes in detail four principles that guide and structure an effective negotiation.

CONCUR’s Model for Building Stepwise Agreements, CONCUR, 2000.

Outlines key steps in the practical execution of a negotiation-based process.


Advises negotiators on tactics and strategies for a face-to-face multi-party negotiation.


Offers recommendations for designing and executing a negotiation strategy.

CONCUR Resource Guide

This guide is a compilation of resources for negotiation, mediation and other forms of alternative dispute resolution. Sections include information on: professional organizations, volunteer mediation opportunities, the Association-ADR Committees, graduate programs in dispute resolution, books, periodicals, journals and newsletters.
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