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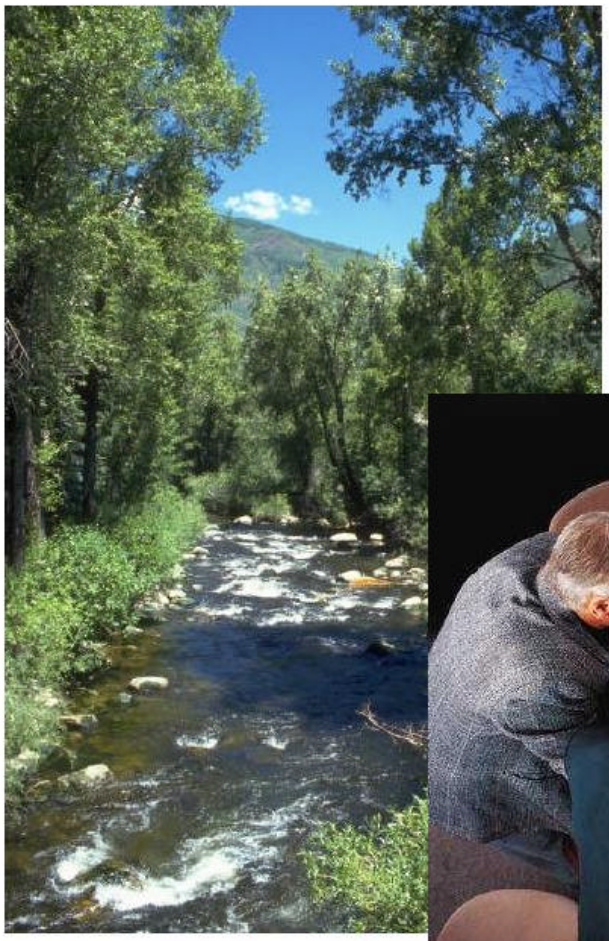
Local Watershed Planning:

Citizen Participation Guidebook



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N.C. Wetland Restoration Program
NCDENR

Local Watershed Planning:
Citizen Participation Guidebook

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Watershed Education for Communities and Local Officials
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DRAFT

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Introduction:

Watershed planning involves many different aspects of the physical world and even more aspects of society. Some of the factors that should be considered include ownership of the land, planning for development, quality of the environment, habitat for all populations, protection of resources, and overall ecological well being. Local watershed planning, by definition, deals with a land area small enough to involve the many different constituents. At the same time, the size of this area may be dauntingly large. Citizen participation is an important key to successful local watershed planning. While citizens may be an information source for problems, they can also be the source of solutions.

What takes place in a watershed is vitally important to the people that live, work and play there. They are intimately tied to the future of that watershed, and as such their interests and concerns warrant inclusion in any planning measures. In addition, the inclusion of these citizens may help guarantee the future strength of the watershed plan. Citizen participation helps to cement a sense of ownership about the ideas and plans emanating from the participatory arrangement. Without such long-term, locally generated ownership, many projects are sure to fail. With a sense of ownership come responsibilities and rights. Citizen participation is an avenue toward public responsibility for local resources. It is also a cornerstone upon which future responsibility is built.

This guidebook is written for those who will be convening citizens to develop local watershed plans. It will help determine the level of participation that would best serve the planning purposes. In particular, it focuses upon the **collaborative watershed planning process**. This process is a method of actively involving watershed stakeholders to identify problems and design solutions that are acceptable to all. It is both an educational and a negotiation-based process.

The EPA actively encourages the use of collaborative watershed planning when managing watersheds. Also, a recent report from the National Policy Consensus Center recommends key state players, including governors and agency heads, "should treat collaboration as a significant tool to address complex problems such as watershed issues and as a complement to traditional problem solving techniques like litigation, regulation, and investment."[i] This document provides guidance on how to effectively engage this important tool for watershed management.

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[i] *Watershed Solutions: Collaborative Problem Solving for States and Communities.* 2002. National Policy Consensus Center. www.policyconsensus.org

Section One:
Involving the Public to Meet Agency Goals

1.1 Why Involve the Public?

Very simply, citizens should have a say in decisions that affect their lives. Decisions about watershed planning and management can affect the lives of citizens that live, work, and play in the watershed. The diffuse and diverse nature of nonpoint source pollution – our country's leading cause of water quality degradation – means that many people engaged in a myriad of activities contribute to the problem in some small way. By the same token, it will take the actions and support of these same people to improve water quality. The complex nature of nonpoint source water quality problems is not conducive to centralized, hierarchical decision making. To develop and carry out solutions that are effective and long term *requires* the knowledge, commitment, and action of multiple levels of government, special interest groups and concerned citizens. By definition we are all watershed stakeholders – citizens who can affect or are affected by water resource decisions in a watershed.

> "Allow all the governed an equal voice in the government, and that, and only that, is self government."
>
> **- Abraham Lincoln**

Inviting the public to participate in environmental decisions has become a standard method of managerial decision making for the past 30 years. During this time, public participation has moved beyond the means by which resource agencies merely establish accountability to the public interest, to a process by which citizens define the public interest and establish public policy. The public has grown to expect a balance of the efficiency of managerial expertise with the transparency and participation consistent with our democratic system.

Thomas Beirele and Jerry Crawford, in their work on evaluating public participation in environmental decisions, defines five social goals that can be achieved through public participation.[ii] These goals are:

1. Informing and educating the public;
2. Incorporating public values into decision making;
3. Improving the substantive quality of decisions;
4. Increasing trust in institutions; and,
5. Reducing conflict.

Informing and Educating the Public

Being knowledgeable about the issues allows citizens to make informed choices on decisions that affect them and their interests. By participating in decision processes, people can become knowledgeable about the social, physical, biological, and political dimensions of the issues at hand. An informed public can better deliberate issues and formulate alternatives that are workable and effective.

The public is NOT the problem!

Trying to convince people who disagree with you to see the error of their ways will get you nowhere. However, acknowledging the validity of the public's values and interests will get you much closer to where you need to go.

Incorporating Public Values into Decision Making

To be effective, policy actions for watershed protection and improvement need to reflect the total public perspective. The values, assumptions, and preferences of the various watershed stakeholders should shape policy content and procedures. Because the public is not monolithic in its views, all relevant interests, fairly represented, must be involved in any process in which the public is invited to contribute to policy decision-making.

Improving the Substantive Quality of Decisions

Many people and ideas contribute to watershed solutions. Managers typically rely on technically rigorous scientific studies to base their decisions about watershed protection options. But the public is also a source of facts, ideas, and knowledge that can contribute to the quality of policy decisions. Examples include identifying relevant factual information, discovering mistakes, and generating alternatives that satisfy a wider range of interests.

Fostering Trust in Institutions

Citizen trust in government has declined steadily since the 1960s. Paralleling this erosion of trust is the view of many that government-led solutions to complex environmental problems are too sweeping and irrelevant, costly, and burdensome. One of the most effective ways to rebuild trust is to involve and empower citizens in the decision-making process.

Reducing Conflict

Conflict is endemic in the environmental policy arena. Environmental and natural resource issues usually involve many parties, multiple political jurisdictions, and highly complex ecological interactions. Incompatible perspectives between use and preservation of natural resources, compounded by resource scarcity have exacerbated value differences among stakeholders. Public participation can be a process for identifying shared norms and values and can build the foundation for cooperative, rather than confrontational, decision making.

1.2 How should we involve the public?

An agency has a wide array of processes available for involving the public in watershed planning. These tools range from minimal public engagement such as passively informing the public through media outlets, to intensive participation – empowering the public to make the decisions through negotiated rule making. Which process is best for specific policy-making needs? To answer this question, you must consider the range of public involvement processes in relation to your public participation goals.

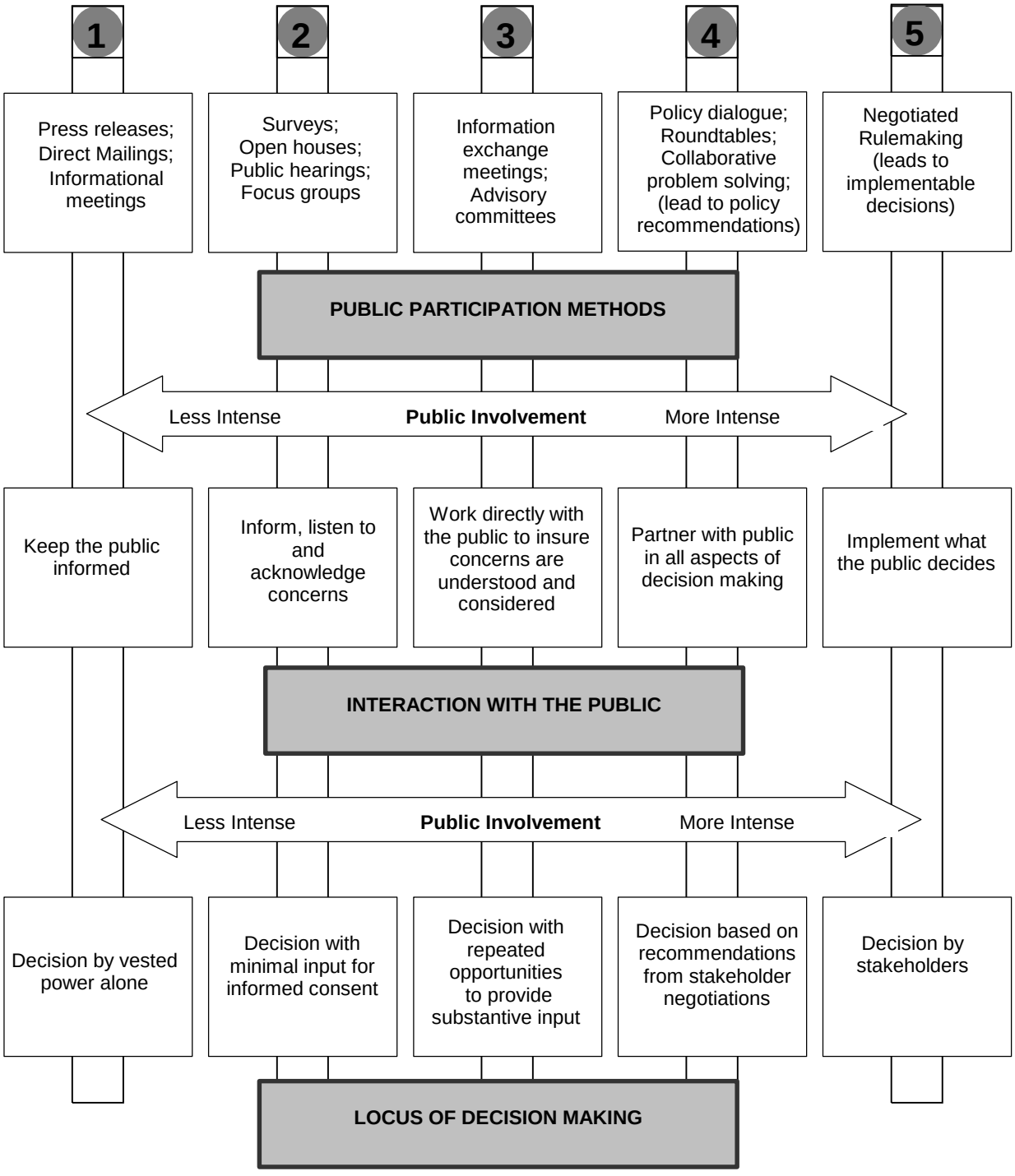
Figure 1.1 shows a continuum of public participation using three scales: public participation methods; degree of interaction with the public; and the locus of decision making. The level or intensity of public involvement is displayed along five distinct columns. The diagram provides an overview of public involvement methods and allows a comparison of each method with desired agency objectives for public interaction and the degree of decision making shared with the public. The diagram can be used to assist an agency in deciding on public participation methods that are consistent with its participation goals.

The diagram shows that as you move toward the right, from Column 1 - where decisions are made by the agency, to Column 5 – where decisions are made by stakeholders, the level of public involvement becomes more intensive. That is, the public is more actively involved in the decisions of the agency. This does not mean, however, that more people are necessarily involved in the decision. In fact, more extensive public involvement, meaning involving more people, usually occurs leftward on the continuum. Examples of how an agency can use this diagram follow.

Column 1: Keeping the Public Informed.
In many cases, an agency may wish to maintain full control of a decision, and inform the public of its actions. Here, the agency is operating in Column 1 and the level of public involvement is typically a one-way flow of information from the agency to the public. The agency can keep the public informed of its actions through press releases, direct mailings, and informational meetings. These actions can lead to an informed and educated public, yet will not further Beierle's remaining four social goals of public participation.

Column 2: Informing and Listening.
If the agency's objective is to shape a decision based on public concerns about an issue, it will be operating in Column 2. Open houses, public hearings and focus groups are appropriate participation methods for this level of involvement. These types of public participation process are useful for gauging the level of

Figure 1.1 A Public Involvement Continuum.



interest or concern the public may have in an issue, and using this feedback from which to base decisions.

Column 3: Incorporating Public Concerns and Interests.
Moving to Column 3 on the continuum, an agency may wish to work more closely and consult with the public to be sure that their concerns and interests are understood and considered in future actions. To gather this type of feedback, the agency can organize information exchange meetings (if the stakeholding public is large and diffuse) or form advisory committees (if the stakeholding public can be adequately represented by committee members). Information exchange meetings are usually open to anyone who wishes to attend, usually provide a single opportunity for input, and are useful for gathering information from a large population. Advisory committees typically have a defined and consistent membership and meet over a period of time. Both participation processes provide citizens with an opportunity to provide specific opinions, develop and refine plans, or suggests courses of action.

Watershed coalitions effectively interact with public agencies in either a consultative-feedback mode (Column 3), or a collaborative partnership mode (Column 4). This guidebook is focused on participatory watershed planning processes that occur in the public involvement continuum in Column 4.

Column 4: Partnering with the Public.
When an agency desires to partner with the public in all aspects of its decision making, then it can organize consensus-seeking policy dialogues, round-tables, and other collaborative forums. These processes, shown in Column 4, typically lead to outcomes that take the form of specific policy recommendations. Public involvement is typically intense and long-term, and participants are usually representatives of organized interest groups or individuals who can articulate shared interests of a broader public such as homeowners, farmers or fishermen. Decision making often takes the form of consensus which requires opposing interests to work together to develop a common and mutually acceptable solution in ways that voting and other approaches to decision-making do not. This latter characteristic distinguishes the advisory committee approach, Column 3, from the collaborative approach, Column 4.

Column 5: Implementing What the Public Decides.
Processes in Column 5 typically involve negotiations and mediations in which participants form agreements that bind their organizations to particular courses of action. In such cases, the negotiating parties will implement the agreement themselves, or agree to bind themselves to a decision in exchange for a strong commitment that the agency will act on it. The participants are typically professional representatives of organized interest groups and speak for the views

of those they represent and make commitments on their behalf. The agency is often one of the organizations represented at the negotiating table. Although public involvement is highly intensive, it is rarely extensive in that it only involves a limited number of interested parties.

Watershed coalitions effectively interact with public agencies in either a consultative-feedback mode (Column 3), or a collaborative partnership mode (Column 4). This guidebook is focused on participatory watershed planning processes that occur in the public involvement continuum in Column 4. We will use the term ***collaborative watershed planning process*** to describe the activities and principles in this guide.

Available resources may limit you in the type of process in which you engage the public. The process you use, that is, **what** you do, should be chosen based on your desired outcomes. Engaging the public in less intensive processes may accomplish the desired outcome effectively. Regardless of the process you choose, to proceed with integrity you must consider:

-**how** you involve the public- that you are genuine in wanting the public to influence your decisions,

-**why** you are involving the public- that you are clear with the public about your reason for involving them, and

-**when** you involve the public- that you are involving the public at a time when they will be able to influence the decision.

When you can answer these questions, you are ready to involve the public in watershed planning.

Lessons learned #4

Watershed groups usually need commitments from appropriate state and federal agencies

National Policy Consensus Center 2002

1.3 Conducting a Preliminary Screening

The purpose of the preliminary screening is to determine whether it is prudent to undertake a collaborative watershed planning process, or if some other form of public involvement is more appropriate for meeting the agency's goals. Also, by conducting a preliminary screening, the additional cost of a more thorough watershed issue assessment can be avoided if conditions are not favorable for a collaborative watershed planning process.

The preliminary screening involves an examination of the agency's public involvement goals as well as an assessment of the external issues that watershed stakeholders may be grappling with. The assessment is conducted internally and with help from knowledgeable key partners such as local government officials and resource

professionals. By contacting potential partners you can collect names of potential watershed stakeholders.

The following subsection provides an overview of information that can help determine how to proceed by casting light on the climate within the watershed. An accompanying survey instrument, called a Preliminary Screening Instrument was developed to aid in analyzing the information. The questions are designed to collect information that can illuminate whether a consultative/feedback process or a consensus-building process may be more appropriate for meeting the agency's goals in a particular watershed. The Preliminary Screening Instrument is provided on the following pages for your reference. A copy-ready Preliminary Screening Instrument is contained in Appendix A. Each question is scored on a scale of 1-5 dependent upon the answer given. The total score is then used to help determine the level of public participation that may be appropriate.

Citizen Participation Preliminary Screening Instrument

1. Amount of publicly owned land in the watershed

(Can you spare a few acres?)

This speaks particularly to agencies whose role is to develop on-the-ground projects. Land is needed to build the projects, and cooperation from private and public landowners is essential. If publicly owned lands are readily available for project placement, an agency may be able to meet its goals by working closely with governments. Where little public land is available in the watershed, the agency will have to rely on private landowners to help it meets its goals. This will require broader participation in order to find willing landowners.

1	2	3	4	5
None Available				Large Amount

2. Degree that people will be personally affected by mitigation and water quality improvement decisions

(This watershed management decision can't touch me with a ten-foot pole!)

If stakeholders feel they have a high stake in the issue, they are more likely to come to the table to participate. For example, if developers worry about being further regulated, they may feel watershed management decisions could affect their business. A resident who has experienced negative impacts from flooding or poor drinking water may also perceive a reason to become involved. In essence, the more likely stakeholders feel the planning process can solve their problems, the more likely they will participate.

1	2	3	4	5
Low degree				High degree

3. Level of trust in governmental decision-making

(In government we trust …)

Agencies who have worked within the watershed before may be able to tell about the reception they received from local citizens. Surefire evidence of distrust is the formation of NIMBY groups (Not-in my backyard) or advocacy groups that are dedicated to protecting property rights from governmental intrusion. A quick search of a local newspaper's web site can reveal stories about the political atmosphere in the watershed. If the investigation reveals that trust in state and federal governments is low, local citizens' suspicions will only be reinforced if you do not include them in the watershed planning process. If citizens appear more comfortable with leaving the decision-making to government officials, they may not mind a more casual consultative/feedback process rather than a formal collaborative process.

1	2	3	4	5
Low Level of Trust				High Level of Trust

4. Agency's degree of knowledge about local water quality issues

(We're from the government and we need your help.)

Does the agency know with some degree of certainty where the likely sources of watershed degradation and restoration opportunities are located? Does the agency know where to look for restoration opportunities or does it need local assistance? How much an agency knows about the local situation may help to determine how much public involvement is necessary. For example, if the agency has many projects in an area and already has a wealth of information, there may not be a need to involve local citizens for the purpose of gaining information.

1	2	3	4	5
High Degree of Knowledge				Low Degree of Knowledge

5. Time frame available for a collaborative consensus process

(You want this watershed plan WHEN?!)

A successful collaborative decision-making processes takes time, allowing participants to build trust and to educate each other about their interests. Expect to take at least 18-24 months to complete a collaborative watershed planning process. A recent study of watershed partnerships in California and Washington showed that older partnerships tended to be more successful than younger ones, under 2 years of age. Keep in mind the most successful watershed groups may be anywhere from 2 to over 6 years old. The point is that you cannot rush a collaborative planning process, nor can you have unrealistic expectations about what the group will accomplish.

1	2	3	4	5
Time too short/no deadline			Time optimal for consensus process	

6. Resources to support collaboration

(How much will it cost?)

Collaborative decision-making processes require not only time, but also funding. Who will run stakeholder meetings, plan agendas, facilitate, write meeting summaries, and maintain communications? An agency has to decide if the resources are available, and also if the benefits acquired from a collaborative process outweigh the costs to both the agency and the stakeholders. A consultative/feedback approach may achieve agency goals at a reduced cost.

1	2	3	4	5
Resources Not Available				Available Resources

7. Setting precedents or dealing with principles

(We're setting a precedent here, so I'll see you in court!)

If stakeholders believe they are setting precedent on a particular issue, they are more likely to adamantly fight for their position. They may also be more cautious about making decisions. In addition, if stakeholders feel their principles are at stake, they may be less willing to negotiate on issues.

1	2	3	4	5
Strongly precedent-setting/ principle-focused				Not precedent-setting/ principle-focused

8. Degree of Polarization

(I'm not setting foot in the same room as him.)

Long-standing conflicts in a community may have polarized stakeholders against one another. Feuding stakeholders that have hardened their positions may be unlikely or unwilling to work with each other. If this is the case in a watershed, more may be accomplished by working with stakeholders on an individual basis rather than attempting to join the stakeholders.

1	2	3	4	5
Groups highly polarized				Groups not polarized

9. Willingness to use collaboration in decision-making

(We make the decisions around here.)

Key decision-makers must be comfortable with the idea of providing some power to a stakeholder group in order for a stakeholder group to be effective. For example, if local government does not intend to listen nor support a stakeholder group's recommendations, and local government participation is needed to implement a watershed plan, the group may experience limited success.

1	2	3	4	5
Not willing nor committed				Willing and committed

Scoring the Instrument

If you scored below 24, then a feedback/consultation process for involving the public may be adequate for meeting the agency's goals of developing a watershed plan to use mitigation projects to ameliorate water quality degradation. Further assessment may be warranted for developing a feedback/consultation design for involving the public.

If you scored above 30, conditions in the watershed may favor a more involved collaborative stakeholder process for developing a watershed plan. Further assessment is necessary to plan and design a collaborative stakeholder public involvement process that is likely to yield a successful watershed plan.

If you scored between 25-29, either process may be appropriate for involving the public. Further examination of agency goals and resources in the watershed may help tip the decision to use a particular process.

Based on preliminary screening, you may decide a consensus decision-making process is warranted. Preparation for the process will provide the building blocks for a successful outcome. This will require the design of a Watershed Situation Assessment Process. Before the design can begin, certain information is needed to determine how to progress.

Lessons learned #8

Monitoring and measurement of results and systematic evaluation are critical to ultimate success

National Policy Consensus Center 2002

[ii] Beierle, Thomas C. and Jerry Crawford. *Democracy in Practice: Public Participation in Environmental Decisions.* Resources for the Future, Washington, DC. 2002.

Section Two:
Designing a Collaborative Watershed Planning Process

2.1 What is Process Design?

Process design – planning for planning – is a vitally important stage of the collaborative process. Process design is the stage between deciding to have a process and beginning the process. It includes the decisions of when, where, and how to meet, as well as who will be there. If the design is flawed, the process, not the substantive issue, becomes a focus of debate. Process design theory sets parameters for determining appropriate procedures. Within those parameters, there is a great deal of latitude to tailor the process to your situation, politics, and needs.

Process design decisions must be part of the collaborative process. If one significant party does not trust you, he probably will not trust your process. However, if he is involved in designing the process, the product is shared and is more likely to be supported.

Lessons learned #2

A diverse, inclusive group of stakeholders is required to achieve success

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Since collaborative processes are new to many, the design stage can help you articulate how this process differs from conventional ways of making agency decisions. Clearly describing the process and creating realistic expectations is one of the foundations of success.

Collaborative watershed planning processes have a structural element and a temporal element, and both must be carefully designed. In designing the structural element, you must consider who will be involved and the setting in which people will interact. Designing the temporal element requires you to be well apprised of the issues that the group will be working on and to be cognizant of the information that will be needed by the group.

Process design begins with a detailed assessment of the physical, social, and political situation that the stakeholders are facing in their attempt to improve water quality in the watershed. The results of this situation assessment will help

you design a collaborative planning process that involves the "right" stakeholders and addresses the "right" issues in a manner that is suitable for both.

Section 2 will help you design the structural element of the process. The temporal element is presented in Section 4, "Making Decisions." Section 2.2 provides a rationale for conducting a watershed situation assessment. Sections 2.3 and 2.4 provide solid background on information that is needed to understand the issues and the stakeholders. Section 2.5 guides the reader through the interview process – the method of gathering information for process design. Section 2.6 shows how to use the information to design the physical parameters of a collaborative process. Section 2.7 introduces the group charter, a blueprint of the collaborative planning process that is created by the stakeholders. The section ends with some final considerations for planning your collaborative process.

2.2 Gathering Information for Process Design: The Situation Assessment

If the preliminary screening has led to a decision that a collaborative process will best meet the agency's planning goals and is feasible given the external factors of issues and stakeholders, it is important to be thoroughly prepared prior to convening a watershed planning process. Preparation will increase the likelihood of successfully meeting your goals. It is recommended that a watershed situation assessment be conducted before proceeding with public involvement.

A watershed situation assessment is an analysis of the local situation to determine the best way to proceed with watershed planning. The situation assessment is centered on two basic parameters that will shape the planning process: the **issues** that are important to stakeholders in the watershed; and the characteristics of those **stakeholders** and the organizations they represent.

Conducting a situation assessment before convening a collaborative planning process provides three major benefits:

1. The information gathering stage introduces possible stakeholders to the potential for a collaborative process as well as specifics about how such processes are conducted.
2. Participation in information gathering can help to build a shared perspective on the problem and the steps necessary to move forward.

Lessons learned #9

States can assist local groups in developing needed watershed assessments and plans so that projects and actions address priority watershed problems

National Policy Consensus Center 2002

3. The agency can determine the feasibility of entering into a collaborative process and the issues that may be amenable to a resolution.

Conducting a thorough watershed assessment:

- identify stakeholders;
- assess the political climate;
- identify similar on-going efforts (avoiding duplication and encouraging partnerships);
- determine educational needs;
- build trust and recognition of the sponsoring agency and the facilitator;
- identify issues of importance;
- identify areas of conflict;
- identify relationships and dynamics between stakeholders;
- generate interest in watershed planning and partnerships.

Some pitfalls of proceeding *without* an assessment include:

- leaving out key participants;
- not addressing appropriate issues;
- framing the issues in ways that will keep stakeholders from the table;
- proceeding without sufficient commitments; and
- not having enough resources to complete the process.

2.3 Understanding the Issues

Ongoing assessment of the issues and other dynamics is essential to developing effective strategy and making wise choices. The following series of concerns may help identify useful information regarding the issue. The commentary is focused on data from the analysis that will impact the building of a forum and the getting-to-the-table stage of collaborative decision making. Assessment is also useful for developing and clarifying parties' interests in preparation for negotiations. Broad participation in an analysis and assessment process by all the parties will help build a shared perspective on the problem and the steps necessary to move forward. Indeed, joint analysis is often a key step in bringing parties to the table.

Background and Context

Conditions for Controversy

In an ideal world, public participation would be rationally developed and participants would be involved to ensure their interests are met. In the real world another factor intervenes: controversy. As an issue evolves into controversy, its resolution becomes more difficult to achieve. A series of factors or conditions combine to create a climate for controversy. Some of these conditions include:

- a small group of local activists who gain moral support and often information from vertically integrated groups;
- a climate of concern about the issues that extends beyond the immediate community;
- a lack of close and continuous contact between public officials and the concerned public.

Lessons learned #3

Be wary of under-represented interests in watershed collaborations

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In addition, a triggering event may cause the conflict to surface. A triggering event has the following characteristics:

- the issue touches an important aspect of people's lives;
- the situation represents high stakes for one or more people or organizations;
- the issue affects lives of different community members differently;
- stakeholders are capable of taking some action regarding this event or circumstance.

History of the Situation

The history of the situation may be a guide to further action for those involved.

- Have there been several stages (e.g., latent, emerging, litigation)?
- Have external events influenced the situation? How? Will they affect the decision-making process or the outcomes?

Basic Questions for Issue Analysis

What are the issues?

- How does each party describe its own central issues?
- Do the issues differ for those who have the authority for the decision and those who seek to influence the decision?
- Is resolution of the issues likely to be precedent-setting?
- Are there secondary issues that may have an impact on the process or the outcome?

- Are the issues local or do they involve people, organizations and institutions at a larger geographical scale (regional, statewide, national, international)?
- Can the issues be framed to address the concerns of all the parties?

Once the issues are clear, some determination can be made about how to approach them. Putting some issues on the table or taking others off may be a pre-requisite for some parties before agreeing to come to the table.

How does each party see the available options for each issue?

- Have options been developed for each central issue? For secondary issues?
- Are the options well defined?
- Have all the potential options been explored by all the parties?
- Do any of the options seem to meet the needs of all of the parties?
- Does any party feel that none of the options meet its needs?
- If new options are generated, will extensive or expensive further study be required?

If all the potential options have been generated and none seems to meet the needs of the parties, joint decision-making may be difficult. If new options can be created that better meet the needs of the parties, joint decision-making processes may be appropriate. If new options require extensive or expensive study, pre-negotiation protocols should address the group's ability to generate new options.

What are the data and information needs?

- Do the stakeholders believe sufficient data are available?
- Do the parties consider the data and their analysis trustworthy?
- Will each party feel comfortable working with a common body of data?

Developing a common understanding of the problem may require further data collection or additional analysis. Each party must feel comfortable with the data.

2.4 Understanding the Stakeholders

Identifying the stakeholders is key to the success of a consensus-building process. Frequently, individuals or organizations with a stake in the outcome attempt to destroy the process because they felt they were not involved in the process until it was too late to impact the decision.

Stakeholders include those who:

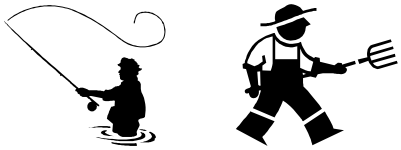
- are affected or potentially affected by a solution;
- have the potential or the power to obstruct an agreement or its implementation;
- have the authority to make the decision.

A water quality issue may affect every member of a community, yet many will choose not to participate. They may believe that their views are already represented, their impact will be negligible, or the issue has already been decided.

Early on, it is often important to separate stakeholders into the categories of primary and secondary. Primary stakeholders are those, who because of power, status, position, or responsibility, are central to making the consensus agreement work. Primary stakeholders are often consulted about how to construct an acceptable citizen involvement plan since the plan needs to respond to their expectations. Secondary stakeholders may still need to be involved in the process, but their role is peripheral to the central role of primary stakeholders. Secondary stakeholders need to be kept informed as the process unfolds.

Who might the watershed stakeholders be?

- fishermen
- farmers
- developers
- landowners
- environmental advocates
- industry representatives
- government agencies



Who are the Leaders?

Identifying leadership and ultimately determining representation of primary stakeholders is often a part of the process designer's task. Optimally, the stakeholders share this task. Leaders likely to be influential often include those who:

- hold leadership positions in organizations with a stake in the issue;
- are perceived as influential by the stakeholders;
- have participated in prior similar decisions, and
- participate in a wide range of community activities.

Any person who comes from all four categories can be extremely influential.

How are the Stakeholders Organized?

- Are the primary stakeholders mostly organizational entities?
- What is their structure - hierarchical? collective?
- Does each organization have identified leadership?
- What is the relationship between the leadership and others?

Government and private sector organizations often use hierarchical structures where all decision-making power is vested at the top. Citizen groups often have very flat hierarchies and leaders are not granted as much authority. Decision-making power is often vested with the members.

If the stakeholders come primarily from hierarchical organizations, each organization may only desire a few representatives at the table. On the other hand, if there are many organizations with grass-roots dominated structures, a much larger group of people may need to participate.

There also are circumstances where many stakeholders are not represented by an organization. In these cases, the challenge is greater. The process is as important to individuals as it is to groups, and their involvement may be crucial to building and implementing consensus agreements.

If each party is well organized and will vest responsibility in its leadership, ascertaining representatives will be easier.

Lessons learned #1

Conveners of collaborative groups are extremely important

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How Are the Stakeholders Linked?

Groups will often develop an identity based upon other groups they relate to. Some groups will be horizontally linked to similar groups. For example, a neighborhood association may be linked to similar associations through a federation. Those with horizontal links know their geographic community. Their contribution is often expertise in assessing community views, needs, and expectations.

Other groups will have vertical links to those outside the community. Professional groups such as bar associations and medical societies have these characteristics. In addition, many local chapters of national activist organizations such as the Sierra Club or the National Rifle Association also share this characteristic. Groups with vertical links often can bring technical expertise and sophisticated political experience to public involvement processes.

How do the Stakeholders Use Their Power and Influence?

Of the parties who do not have formal authority for the decision, but seek to influence the decision:

- Does any party have the capacity to block decisions that they do not approve?
- Does any party have an incentive to escalate the conflict?
- What is the capacity of each party to sustain its involvement over time?
- Does any party need another party in order to accomplish its goals? Does interdependence exist between these parties and the decision makers?
- Have any of the parties used their power such that other parties have felt it has been to prevent them from reaching their goals?
- Have any of the parties used their power to help other parties?

If some parties have the capacity to block decisions, they will certainly need to be involved in the process. If the parties have the capacity to sustain activities, they may be able to effectively participate in a joint decision-making process. If the parties need each other to accomplish their objectives, joint decision-making may be appropriate. If one of the parties has systematically used its power in a direct attempt to injure other parties, those parties will be distrustful and very wary of joint decision-making processes.

Of the parties who do have formal authority for the decision:

- Can they make and implement any decision they please?
- Are they constrained by previous decisions or decisions made by others? (e.g., legislative bodies, precedent)
- Can they sustain their involvement over time in any kind of process (e.g., legal, negotiated)
- Do they need others to accomplish their goals?

If the parties can make and implement any decision they please, reasons for entering joint decision-making will be for other than their substantive interests. If they cannot, they may seek a process where they can protect their essential interests and sustain their involvement over time.

What Does Each Party Want?

- What are the stated positions of each party?
- What are the stated goals of each party?
- What are the underlying interests of each party?
- What are the dominant values that appear to guide the actions of each party? Are they mutually exclusive?

Lessons learned #11

Written agreements are essential, including commitments from state and federal participants

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- Do any of the positions, goals, interests, values, or issues of any party challenge the identity of other parties?
- Do any stakeholders view the issues as "high stake" issues?
- Are there common interests that might provide the basis for an agreement?

Understanding stakeholder motivation and underlying interests can help determine whether the parties will negotiate.

Status of Relationships

- Do any of the parties have a history of relationships with other parties?
- Has that history been productive or conflictive?
- Do trust and respect characterize relationships?
- Have any of the parties avoided other parties because they believed that working relationships would be difficult?
- Do any of the parties desire a future working relationship with other parties?
- Will the parties need to work together on implementing an agreement?
- Are the parties forced to interact regularly because of the nature of their work or networks?

Past relationships that worked well can be the basis for developing joint decision-making efforts. Difficult relationships, especially those characterized by distrust, may need to be addressed directly for joint decision-making to be productive. If the current relationships are healthy, joint decision-making will help maintain strong relationships. If current relationships are contentious or characterized by lack of trust, either a strong past relationship, a desire for a future relationship, or high levels of interdependence can mitigate current difficulties. A desire for a future working relationship can be a strong impetus for using joint decision-making processes.

Understanding the stakeholder population, their organizations, their networks, and the context in which they work can help you determine how to structure a conflict resolution or citizen involvement process that meets their needs.

2.5 Gathering Information for Process Design: Conducting Stakeholder Interviews

If you have completed the Internal Screening Instrument and have decided to move forward with a collaborative decision-making process, the next step is to gather information needed to design your process and to start building trust and

familiarity in the watershed. To accomplish this we recommend conducting stakeholder interviews.

In order to begin interviewing stakeholders it is important to define what is a stakeholder? WECO defines a watershed stakeholder as anyone who affects water resources decisions (farmers, local governments, developers, etc.) and anyone who is affected by water resources decisions and related policies (environmental advocates, recreationists, fishermen, etc.). Frequently, individuals or organizations with a stake in the outcome attempt to destroy the process because they feel they have not been involved prior to the ability to impact the decisions. To ensure that stakeholders are not left out of the process, efforts should be made to identify all potential stakeholder interests that are present in a watershed, and to try and contact at least one representative from each stakeholder interest.

Involving stakeholders in the design of the watershed planning process results in a product that is shared and more likely to be supported - particularly if any stakeholders are distrustful of the convening agency.

The following recommended practices provide guidance for conducting successful stakeholder interviews:

- Since level of trust in government may not be high, always be open about your purpose for watershed planning
- Conducting a public meeting to announce the start of a project can help to identify interested stakeholders, and begin building recognition
- While phone interviews may suffice, in-person interviews help to build trust and rapport between the facilitator and stakeholders
- Conduct interviews within the watershed in a casual community location (church, Cooperative Extension office, or other public facility)
- Offer to meet elderly or disabled stakeholders in their homes or at a local coffee shop
- Make interviewees comfortable by offering a drink or a snack
- Always ask permission to record a stakeholder's comments, and tell them if their name and/or title will be kept confidential or not
- Bring a large, detailed map of the watershed to show stakeholders
- Provide your own description of watershed terminology so that you and the stakeholder have a common understanding of what you mean by "watershed", "water quality", etc.
- Begin an interview with open-ended questions to help an interviewee share perspectives without feeling pressured (i.e.- what issues in this watershed concern you?)

- Bring a list of questions to the interview
- It helps to have one person record so that another person can actively listen to the stakeholder without appearing distracted

The Interview

The interview, whether by phone or in person, is often your first opportunity to introduce yourself, your agency, and your goals to the stakeholder. Preparation is key. No matter how comfortable you are with speaking, you may wish to write a script so there is a standard to follow. This will allow you to be sure you have covered all areas and done your best to keep all interview aspects constant. It is also an important cue to follow, in case the interview takes you off course in some manner and you need to get back on track. Be sure to include the following in your interviews:

- Introduce yourself and your organization,
- Describe your role as a convenor,
- Briefly describe the collaborative process in which you are asking the respondent to participate,
- Indicate who else will be participating in the process.

Some examples of questions to ask include:

1. Before we begin, do you have any questions to ask me?

2. What are your interests or concerns about this particular issue?

3. Is your group willing to participate in the process I described?
   (IF NO) What will it take for you or your group to participate?

4. Who can or should represent your group or constituency?

5. Who needs to be there from other stakeholder groups?

6. What if some of the other groups mentioned are not able or willing to participate, would you still be willing? How can we compensate for their absence?

7. Should you participate, what would you consider a successful outcome of this process?

8. Is there anything you can think of that the facilitators, or the others involved in this process, can do in advance to make the upcoming discussions more successful?

9. Do you have any concerns about participating in this process? What can we as facilitators do to overcome them?

10. What data do we need to bring to the table? Who, when, and by whom should data be presented?

11. Can you suggest any ground rules to guide the group's discussion?

12. Is there anything I haven't asked you or that you would like to say?

2.6 Designing a Process Structure

The organization of collaborative watershed planning programs will vary from project to project and community to community. A process structure for any given issue is dependent on the following variables:

- Representation of key interests
- Organization of interest groups
- The level of interest by citizens of the community
- Level of conflict
- The degree of complexity inherent in the issue

The first four variables will significantly affect the number of people you can expect to include in your planning process and the extent of their involvement. The process structure should change as the number of stakeholders directly involved in the process grows. The fifth variable, degree of complexity, will influence the process structure regardless of the number of people involved. Following a brief discussion about how these variables affect the structure of the decision-making process, three structural models are presented that illustrate how to accommodate numbers and complexity.

Lessons learned #5

Leveraging of funds and other resources for meeting critical watershed needs increases with collaboration

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How Many People Should be Involved?

In some situations you may be faced with a citizenry that is very concerned and involved in watershed issues in their community. In these cases you will need to convene and effectively work with a large number of people. Although involving a

wider public may require more planning and resources, you should err on the side of openness. Excluding interested stakeholders from decision making can often mean disaster. The following table presents criteria that have an affect on the number of people likely to be involved (or should be involved) in a participatory process.

Criteria	Number of Parties Involved	
	Few	**Many**
Representation of interests	Interests can be clearly identified and represented	Interests are many and diverse, and cannot be represented by a single spokesperson
Interest group organization	Interest groups are vertically organized with an established communication structure	Interest groups are collective and communication is ad hoc and not organized
Public Interest	Few people have a personal stake in the issue	Many people have a personal stake in the issue
Level of Conflict	Stakeholders are generally trusting of one another	Low trust among stakeholders

Accommodating Complexity

Watershed issues tend to be complex - multiple and interconnected topics that cut across a range of disciplines. Small groups are better able than large groups to grapple with complexity and make progress toward action. Moreover, not every stakeholder in a watershed planning process is interested in every issue before the group. Larger groups can break off into task groups and subcommittees to focus on specific issues. These smaller groups can do the difficult work of gathering information, identifying problems, and developing alternatives for the whole group to consider.

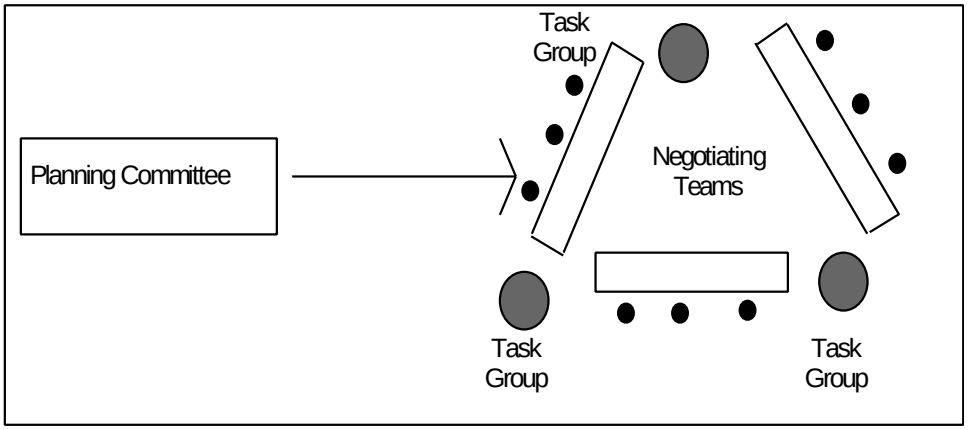
Basic Models for Structuring a Process

Four basic models for structuring a process are presented here.[iii] Each model is designed to handle issues of group size and complexity of issues. They are listed in order of the degree of citizen involvement: from few parties involved, to many parties involved. Consider these structures as templates that can be adapted and changed to fit the circumstances.

Negotiating Teams

Representatives in a planning process can be organized into teams by the facilitator. Each team decides on its goals and interests, and functions as a unit during problem solving sessions. Negotiating teams work well when the number of teams is small – three to five is a reasonable number – and when each team has well

defined and compatible interests. Team members need time between sessions to talk among themselves about how to proceed and time to go back to their respective constituents to discuss the progress of the discussion and seek input from other people not at the table. Negotiating teams can also choose to use smaller task groups to explore an issue in depth, develop and refine options, develop written agreements, and iron out differences. Task groups can include representatives from each team, or their membership may be expanded to include non-team individuals.

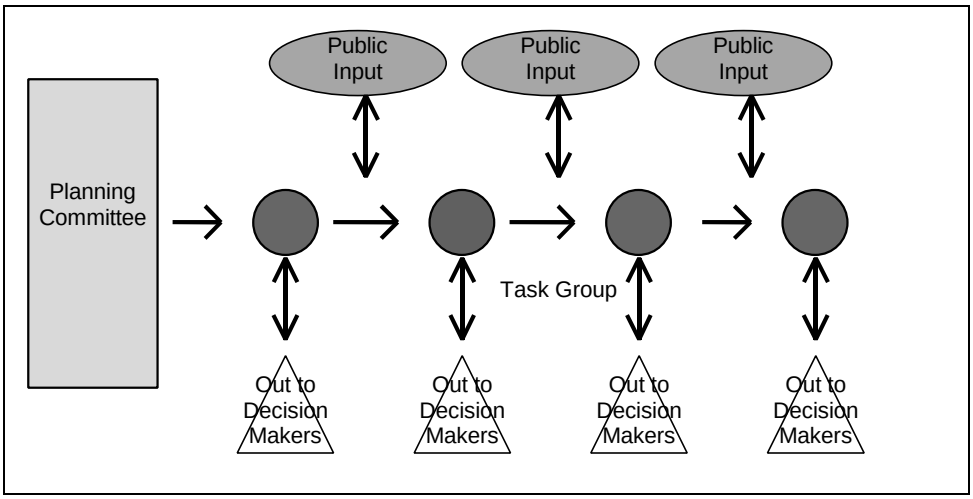


Negotiating Team Model

Task Group and Public Input Model

The Task Group and Public Input model has a small 8 to 15 person task group that identifies issues and alternatives, evaluates alternatives, and makes choices. It does so by actively seeking public input from interested persons and interest groups at every step of the process. This model is often used to address highly technical issues or complex tasks that require a small group with a consistent membership.

Typically, the task groups solicit public input to identify issues, to offer alternatives, and to evaluate draft recommendations. Public input can be in the form of workshops, town meetings, or public hearings and is often focused on a specific task.

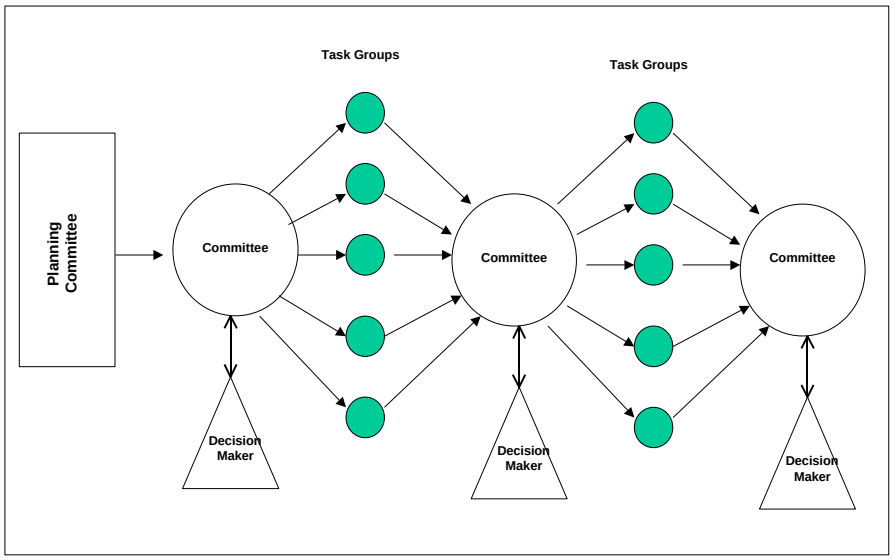


Task Group and Public Input Model

Committee and Task Groups

The most commonly used model for structuring a collaborative planning process is a committee combined with task groups or subcommittees. The committee may have anywhere from 10 to 60 members and it represents the different interest groups concerned about a problem. The committee agrees on procedures, identifies issues, gathers information, generates options, and develops recommendations or seeks agreements. The larger the committee, the greater the reliance on task groups for dealing with substantive issues.

Task groups are established by the committee to gather information specific issues, to identify related concerns, or to develop alternative strategies to solve a problem. Task groups broaden participation and expand resources available to the program. Task groups can be organized around substantive topics identified by the larger committee such as education or housing, or they can be set up to cover geographic areas such as neighborhoods. Task groups should not be organized so that they represent homogeneous interests that will approach the committee with competing and contradictory recommendations.



Committee and Task Group Model

2.7 Developing a Group Charter

Before convening a group to participate in a collaborative problem-solving process, several process design considerations must be taken into account. A formal group charter defines all the process protocols and gives a group a framework to follow. It is a written outline of work, which includes what it intends to accomplish and how. The charter will give the group a framework in which to meet, discuss problems and solutions, and make decisions. A charter is an agreement between the members of the group, and as such, it acts to bind the group together in a common language and working union. A first order of business then, would be for the newly constituted group to review the charter and modify it as necessary. You may find it easiest to provide a draft charter to the group. This draft can then be used to finalize their charter. You must make sure the group understands that this draft charter is not final, but simply a stepping off point. The entire draft may need to be changed, but the group will have an idea of what a charter entails, allowing it to edit the draft to its purposes. An example of a draft charter is found in Appendix B. It can be used to fashion a charter specific to your group.

A charter should contain the following elements:

Background
Provides a summary overview of the issue, including the events that have lead up to the meeting.

Purpose
Explains why the group has convened and what it intends to accomplish.

Nature of the Final Product
Describes the type of product (such as a written report) the group will produce.

Stakeholder Groups and Participants
List the individuals that will participate in the collaborative process. Identifies alternatives.

Constituent Representation
Describes the interests that each participant is expected to represent.

Role of Working Group Members
- Attendance – states that each participant will be expected to attend and fully participate in all meetings.
- Preparation for Meetings – States that participants should read all appropriate materials and arrive prepared to work.

Role of the Facilitator
Describes the responsibilities of the facilitator during, and outside of, the meeting.

Decision Process
- Use of Consensus – Indicates that the group will operate by consensus and that group decisions will be made only with concurrence of all participants represented at the meeting.
- Failure to Reach Consensus – Defines back-up procedures if group fails to reach consensus.
- Agenda – Identifies who is responsible and how they will be drafted.
- Meeting Summaries – Identifies how meeting summaries will be prepared and distributed.

Ground Rules for Interaction
Lists the rules that will be followed during meetings.

Enforcement of Ground Rules
Describes how rules will be monitored and enforced.

Input From and Information to the Public
Identifies how the public will be informed, if meetings will be open to the public and how the group will interact with the media.

Schedule and Duration
Describes how often the group will meet, how long meetings will be and when the group intends to complete its work.

Amendments to the Charter
Describes how the charter can be amended by the working group.

2.8 Final Design Considerations

Your process is designed when you are able to describe in some detail and rationale:

- Who the participants will be - If it is premature to name names, categories of participants are necessary because they help define the group dynamics. It is also important to know who will select the participants.

- What the participants will be asked to do - This includes role descriptions, scope, and depth.

- How decisions will be made - If you expect consensus, you must state how that will be achieved, and what happens if you cannot achieve it.

- The nature of the final product - Do you expect a written agreement, a contract, a plan, a regulation, a vision, what...?

- The authority of the group - Failure to be clear about the level of shared decision making can doom a group to failure at the point conflict emerges.

- The ground rules and protocols - These items can provide evidence of the type of process you are using. Their detail will provide important guidance to stakeholders.

- Duration - Timelines, milestones, and deadlines will help define the process. They should be realistic and not so abbreviated that participants immediately move to a crisis mode.

- The cost of the process - Will staff time be used to support the process? Will a facilitator or mediator be hired? What technical studies might be necessary.

[iii] Adapted from: Susan Carpenter, *Solving Community Problems by Consensus*. Program for Community Problem Solving, Washington, DC, 1990.

Section Three:
Building a Working Team

Watershed management solutions can and should be developed with the participation of watershed stakeholders. Collaborative watershed planning is a public involvement process that brings together a diverse group of stakeholders who help fashion a plan for protecting water quality and sustaining watershed processes and values. This approach generates watershed solutions by obtaining local support from major stakeholder interests. A watershed stakeholder is anyone who can influence, or is influenced by, water quality in the watershed. Some typical watershed stakeholder interests include development, forestry, agriculture, local government, residential, and environmental conservation. A watershed coalition is the collection of stakeholders into a single group that works for a common purpose.

> "If we could read the secret history of our enemies, we should find in each man's life, sorrow and suffering enough to disarm all hostilities."
>
> - Henry Wadsworth Longfellow

The success of a collaborative effort depends on several factors related to the stakeholders and the issues. The important factors that help ensure success include:

1. The "right" stakeholders are assembled;
2. The stakeholders are sufficiently prepared to work collaboratively;
3. The stakeholders have access to information that enables them to make wise decisions;
4. A process is in place that enables the stakeholders to search for solutions that satisfy the interests of all stakeholders.

"Building a Working Team" contains a set of materials and instructions designed to help guide discussion leaders through the stakeholder preparation process. This is ideally accomplished during the first one or two meetings of the stakeholder team. The materials are designed so that you can get a group ready to work together with about four hours of instruction. This section is divided into four modules: (1) Introductions; (2) Mapping the watershed; (3) Collaborative Planning: Working for the Watershed; and (4) Searching for agreement.

Included with in this section are:

1. Detailed instructions for each module
2. A set of three fact sheets on Collaborative Watershed Planning in North Carolina (Appendices C - E)
3. The video, Working for the Watershed: A Partnership in North Carolina (Included with this guidebook).
4. An instruction set for the Orange Auction (Appendix F)

Each module is designed as a set of instructions to the discussion leader. Each contains the objectives for that module, approximate instruction time required, a listing of handouts or other materials that participants will be using, examples of flip charts that the discussion leader can use to instruct participants and illustrate important points, and discussion points to guide the discussion leader.

Using this guide will enable a watershed planning group to begin working together and collaboratively seek solutions to watershed problems. It is designed on the assumption that the planning group has been convened using information collected during an issue assessment. That is, the "right" stakeholders comprise the planning group, they understand the purpose of the planning effort, and generally understand their role and responsibilities, and the role of the convening agency.

Lessons learned #10

States can be part of agreements reached by consensus

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3.1 Introductions

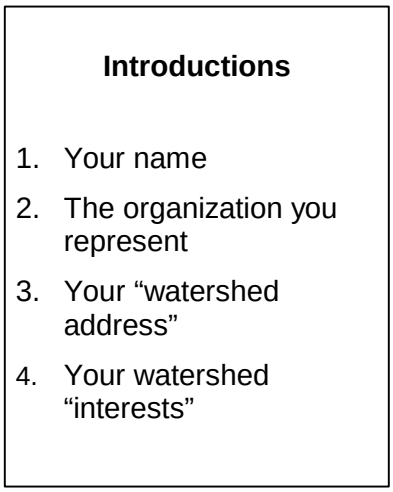
The purpose of this module is to help the participants get to know one another and begin to feel comfortable with the process and procedures they will be using in the planning process. It is assumed that they are being convened for the first time and do not know everyone in the group.

Objectives:
Participants get to know one another
Participants relate their own watershed interests, and learn the interests of others

Time Required: 3 minutes per participant

Handouts: None

Visuals:



Flip Chart 1

Flip Chart 2

Discussion Points:

1. Introduce yourself and state the purpose of the days' meeting
2. **(Flip Chart 1):** Ask each participant to introduce himself/herself by stating his/her:
   - Name
   - Organization he/she represents
   - Where in the watershed they live or work ("watershed address")
   - Watershed interests
3. This will be the first opportunity for the stakeholders to get know one another. It is important to take the time to let each participant fully introduce him/herself. Draw them out if you have to by asking about their organization, their role in the organization, etc.
4. **(Flip Chart 2):** This is a good opportunity to explain the term "interests" and how that might be different from their "positions". Explain that their interests are the reasons volunteered to join this watershed group: they are the needs, concerns, and opportunities that they see need to be addressed. They may be different from any positions they hold regarding what should be done in the watershed. For example, "My position is that I want to see a forested riparian buffer on the stream, my interests are that I want to keep sediment out of the stream, and that I want to improve wildlife habitat."

3.2 Mapping the Watershed

When stakeholders are given the opportunity to work together to map the watershed, they accomplish two goals of the watershed planning process: (1) they learn from others about issues, concerns, and opportunities in the watershed; and (2) they start the process of identifying priority actions that will improve water quality. Also, because this activity is conducted in small groups, the participants start working together early in the planning process. This will help form working relationships among stakeholders that are important for a successful collaborative planning process.

Objectives:

1. Participants identify issues, concerns, and opportunities in the watershed
2. Participants learn what others are thinking about the watershed
3. Participants become more familiar with the watershed

Time Required: 45 minutes

Handouts: Watershed map showing the watershed boundaries, major roadways and surface waters. Maps should be large enough to enable several people to work simultaneously and be readable from a distance. A 3' X 4' format is suggested. An assortment of markers and/or crayons.

Visuals:

Watershed Map

- Show topography, vegetation, land cover, wetlands, etc…
- Where do you live or work?
- Where are some special places?
- Where are some places that need "fixing"?

Flip Chart 3

Discussion Points:

1. Divide the group into pairs or trios.
2. Provide each pair (trio) with an empty watershed map.
3. **(Flip Chart 3):** Instruct each pair (trio) to work together and draw a variety of features on their maps:
   - Topography, vegetation, land cover, wetlands, other features...
   - Location of residence, work
   - Identify special places
   - Identify places that need "fixing"
   - BE CREATIVE!
4. Give them 30 minutes to create their maps.
5. Have each pair (trio) present their map to the rest of the group.
6. Once all maps have been presented, open up the discussion with questions such as "After hearing what your fellow group members have to say about this watershed, what stands out for you?" "Are there places that this watershed group needs to focus its attention?"

3.3 Collaborative Planning: Working for the Watershed

Collaborative watershed planning is not an activity that most watershed stakeholders are familiar with. The purpose of this module is to acquaint the participants with the collaborative planning process, and to help them prepare for the challenges that lie ahead.

Objectives:

1. Participants become familiar with the workings of a watershed planning group
2. Participants gain an understanding of the challenges the group must meet to be successful
3. Participants gain an appreciation for the diversity of interests that characterizes a watershed group
4. Participants learn the principles of collaborative problem solving

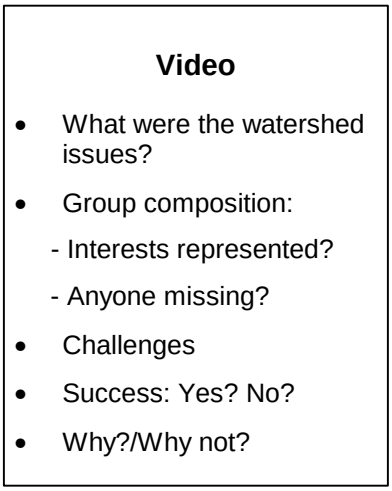
Time Required: 45 minutes

Handouts:

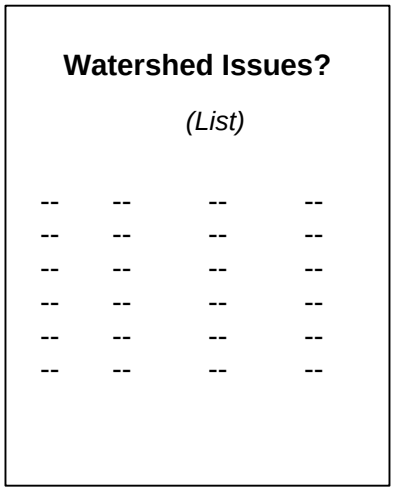
1. *Collaborative Watershed Planning in North Carolina: Collaborative Problem Solving* (Appendix C)

Visuals:

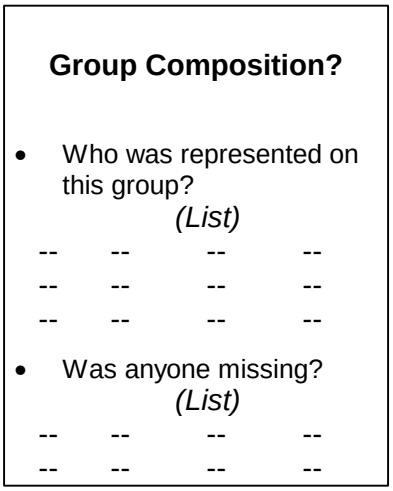
1. Video: *Working for the Watershed: A Partnership in North Carolina* (16 min.)



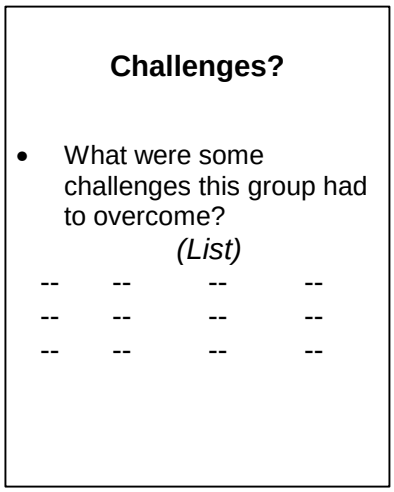
Flip Chart 4



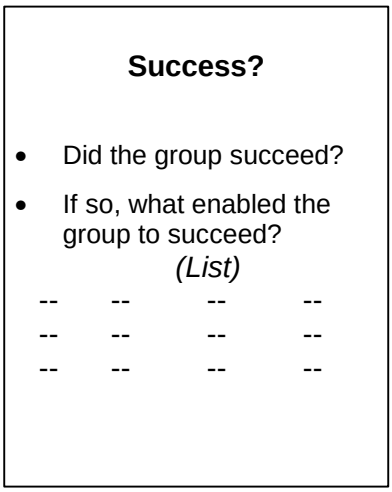
Flip Chart 5



Flip Chart 6



Flip Chart 7



Flip Chart 8

Discussion Points:

1. Introduce the video as a snapshot of the New Hanover County Watershed Planning Group.
2. **(Flip Chart 4):** Ask the participants to watch the video and make note of four themes: (1) watershed issues; (2) group composition - who was represented on the group?; who was missing?; (3) challenges facing the group; (4) success: was it successful, and if so, why or why not?
3. **(Flip Chart 5):** After viewing the video, begin the debrief by asking the group to recount the issues that New Hanover planning group was dealing with. Record the responses on the flip chart. Reviewing the watershed issues will help the group organize their thinking about the next question, group composition.

4. **(Flip Chart 6):** Ask the group to recall the organizations they saw or heard that were represented on the New Hanover group. Record their responses. Ask the group if anyone was missing from the New Hanover group. If so, in what way was this a challenge or potential challenge for the group? How could inadequate representation affect a groups success?
5. **(Flip Chart 7):** Ask the group to recall the other challenges that the New Hanover Group was dealing with. Record their responses. What did the group do to overcome those challenges? Record their responses.
6. **(Flip Chart 8):** The final line of discussion centers on the elements of any collaborative planning group that enable it to succeed in reaching its goals. Start this discussion by asking the group whether the New Hanover group's efforts were successful. Ask them to explain their answers. From this discussion ask the group to brainstorm some principles that lead to successful collaborative outcomes (actions taken on the part of group members, facilitators, and/or others that enable the group to succeed). Record the responses.
7. Hand out, *Collaborative Watershed Planning in North Carolina: Collaborative Problem Solving*. (Appendix C) Review the principles of collaborative problems solving listed on the sheet. Ask, "Are these principles consistent with what you saw on the video?" "Were any of the principles not followed by the group?" "Should any of the principles you generated be added to this list?

3.4 Searching for Agreement

Collaborative planning requires participants in the planning process to work together and craft solutions that meet the interests of all involved. This requires an understanding and appreciation for the interests of others, as well as skills in negotiation and collaborative problem solving. This module provides participants with the knowledge and rudimentary skills necessary to accomplish their tasks. In this 45-minute activity, stakeholders will participate in a mock auction that illustrates the utility of revealing interests in a negotiated transaction. The lessons are solidified through discussion and further demonstration of negotiation processes.

Objectives:

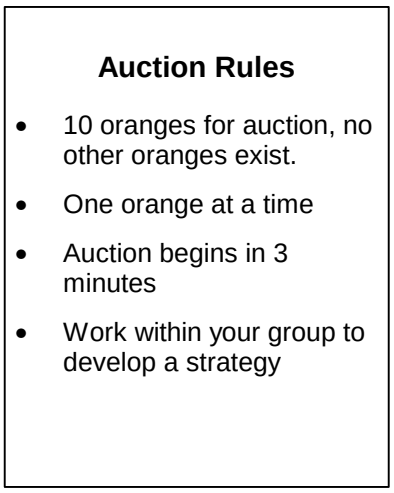
1. Participants learn the difference between interests and positions
2. Participants learn the value of identifying their own and others' interests in a negotiation
3. Participants learn the four stages of principled negotiation
4. Participants learn how to reach agreement
5. Participants learn how to craft workable agreements

Time Required: 45 minutes

Handouts:

1. *Collaborative Watershed Planning in North Carolina: Searching for Agreement* (Appendix D)
2. *Collaborative Watershed Planning in North Carolina: Reaching Agreement* (Appendix E)
3. *Orange Auction roles and instructions* (Appendix F)

Visuals:

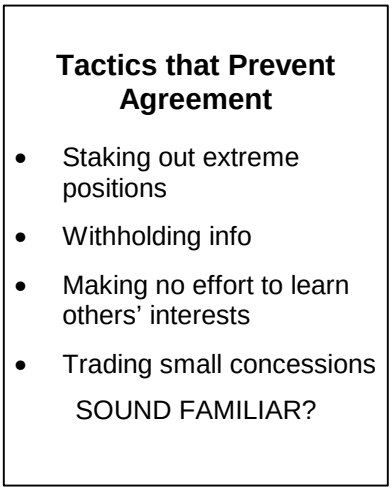


Flip Chart 9

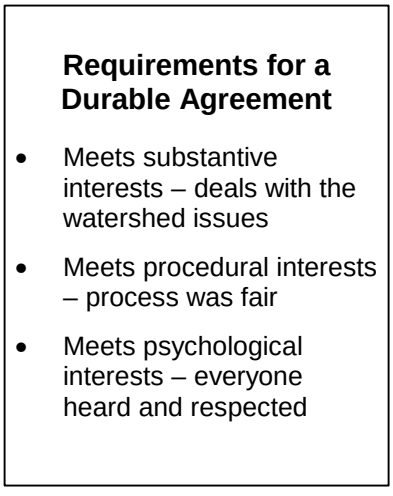
Flip Chart 10

Flip Chart 11

Flip Chart 12



Flip Chart 13



Flip Chart 14

Discussion Points:

1. Divide the class into three groups. Situate the groups so that they can talk without easily being overheard by the other groups.

2. Give the participants in each group one of three sets of written instructions (Appendix F, Page 2). One group will be assigned the role of the Adams Company, the second group will be the Baker Company, and the third group will be the Carter Company. Have them silently read their instructions.

3. Instruct the group that you will be auctioning ten oranges. You will auction one orange at a time. Each orange will go to the highest bidder at the end of each round. There are no more oranges available for sale anywhere. You will begin the auction in 3 minutes. Encourage each group to develop a strategy of how they are going to bid, etc. You have no more instructions at this time.

4. Begin the auction at the time specified. Auction each orange one at a time. Record on a blackboard or flip chart how much each company owes the auctioneer at the end of reach round. Do not pause longer than necessary between each round. If asked any questions about procedure, repeat the instructions given in item 2 above. You are merely the auctioneer.

5. At the end of the 5th round, there should be sufficient anxiety building in the room. Suggest a 3-minute break to allow the groups to confer on strategy. If asked if the groups can talk to one another, respond with "I am merely the auctioneer."

6. Resume the auction at the time specified. If it is obvious that the companies are working together, you can save time by auctioning several oranges at a time.

Debrief:

<u>If the companies did not work together:</u>

7. Ask each group to say how many oranges they needed to stay in business. If they did not succeed in reaching their goal, announce that they are out of business.

8. Ask each group what product they are in the business of producing. If they are still missing the point, ask what part of the orange they need.

9. Ask what stopped them from working together. What assumptions did they make? How did those assumptions stop them from getting what they needed? Do they make the same assumptions in other conflict situations?

10. What did they learn from the exercise?

If the companies worked together:

11. Make sure everyone knows what each company was producing, and the part of the orange each company needed. Frequently a few people have it figured out while others do not.

12. Ask what made them decide to work together. What assumptions had to be tested and overcome? Was it the actions of one or two people? Did some resist the overtures to work together? Did all companies participate? If not, why not? Was trust an issue? If so, how did you deal with the trust issue?

13. Ask what they learned from the exercise.

14. **(Flip Chart 10):** Distribute the sheet titled, *Collaborative Watershed Planning in North Carolina: Searching for Agreement*. Draw their attention to the four points of Principled Negotiation listed on the top half of page 1. Review each point.

15. **(Flip Chart 11):** Review the steps in the negotiation process. Inform the group that although they will engage in a similar process, it may not seem so linear. They will likely be moving forward and backward as they learn more about the watershed and new issues arise.

16. **(Flip Chart 12):** Remind the group that the post-negotiation steps of ratification, integration, and implementation are as important as the rest of the process. Throughout the process they must actively keep their constituents and the formal decision makers informed of their progress.

17. **(Flip Chart 13):** Bring the group's attention to the four tactics that prevent agreement. Ask if there are any similarities between these and some behaviors exhibited during the orange auction.

18. **(Flip Chart 14):** Distribute the sheet titled, Collaborative Watershed Planning in North Carolina: Reach Agreement. End the session with a brief discussion about how three interests of each person in the room must be met before the group has developed a durable agreement.

Section Four: Making Decisions

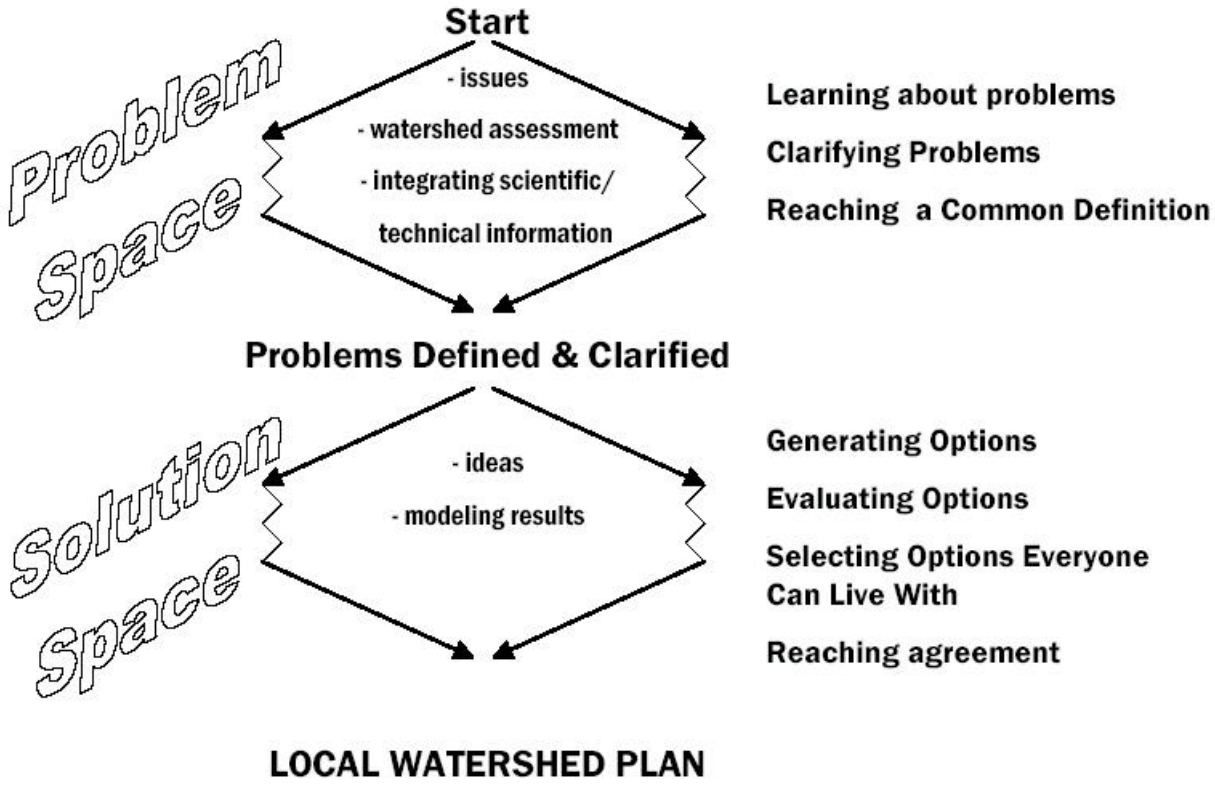
The purpose of this section is to provide an overview of a problem-solving model that may be applied in watershed planning processes or other similar decision-making situations, and to provide tools and techniques for applying this model. The section outlines the process from the point of when the watershed planning group is convened and ready to start working, through to the final writing of the document and implementation of the watershed plan.

4.1 The Watershed Planning Process: a problem-solving model

The following diagram illustrates the general problem-solving process that is applied in collaborative watershed planning.[iv] The double daimond shape divides the process into two distinct phases- problem space and solution space. At the start of each phase divergent, or broad, thinking is encouraged to develop as many ideas as possible. The middle of each phase is sometimes referred to as the "groan zone", as the group discusses, clarifies, and evaluates the issues. As the group moves toward agreement and the diamond narrows, they must practice convergent thinking. Convergent thinking refers to the process of narrowing options, which is usually necessary due to limited time and resources for addressing issues. We will first discuss problem space and provide some principles and tools to help the group determine the problems and issues that should be addressed. Then we will discuss how to transition from problem space into solution space by re-framing the problems. We provide tools to help guide the group through solution space, and end the section with guidance on how to prepare for implementing the watershed plan.

> " The significant problems we face cannot be solved at the same level of thinking we were at when we created them."
>
> - Albert Einstein

Figure 4.1 A Problem Solving Process



4.2 Problem Space

Problem Space is represented by the first diamond area in the diagram. Before solutions for the watershed plan are identified, stakeholders must identify and agree upon the problems to be investigated, and the questions to be asked. Learning about the problems and clarifying the problems involve seeking information from two sources: a technical watershed assessment and stakeholder experience. Both sources are essential for getting the entire picture of what is occurring in the watershed, and for identifying the issues that need to be addressed in the watershed plan. Just as developing a watershed plan without considering existing water quality data can miss out on diagnosing crucial problems in the watershed, proceeding without consulting local stakeholders can yield a watershed plan that misses out on addressing important local interests. This can yield a plan that is not supported, or even worse, is fought against by local stakeholders.

When seeking information to identify problems and opportunities in the watershed, the group will need to consider information that is technical and scientific in nature, as well as information that may also be traditional, cultural, local, or "remembered" in nature. While the technical watershed assessment will surely yield scientific and technical information, stakeholders are likely to provide information in the latter categories as they provide their views of the problems and share their values. This "Problem Space" section focuses on principles of integrating public values with the technical watershed assessment, and methodologies for involving stakeholders in problem identification.

Lessons learned #7

States play a key role in assisting with scientific information, including the development of new data, to provide the factual basis for agreements

National Policy Consensus Center 2002

In mentioning the technical watershed assessment, we are generally referring to techniques such as compiling existing data and information about the watershed, investigating in the field, monitoring water quality, modeling development, and modeling watershed functions such as maintaining good water quality. More information on the technical methodologies that may comprise a watershed assessment can be found in the document: *Rapid Watershed Planning Handbook: A Comprehensive Guide for Managing Urbanizing Watersheds.*[v]

Principles for integrating public values and scientific/technical information into a collaborative watershed process

While learning about and clarifying problems in the watershed, there are likely two activities occurring simultaneously- the technical assessment, and stakeholder problem identification and clarification. Incorporating a technical watershed assessment within a collaborative process yields challenges as the sponsoring agency and watershed group attempt to balance public values with scientific data. It may be easy to assume that the technical results will provide the answers that are needed to address watershed issues. The assessment will reveal answers to questions posed, but how does one know that the questions being asked are the right questions? Who is to say that it is okay to make particular assumptions in modeling efforts?

Stakeholders can play a powerful role in identifying which questions need to be asked and how they should be investigated in the technical watershed assessment. If stakeholders are involved in formulating the questions and overseeing the research, the results are much more likely to be accepted as information that can be used in decision-making. They may not love the research results, but they are

more likely to accept that the results are the best possible results that could be found at this time given the available resources.

With this in mind, some relevant principles can help smooth the way for meaningfully incorporating public values and scientific and technical information into a collaborative watershed process. Principles are derived from *Managing Scientific and Technical Information in Environmental Cases*, published by Resolve, U.S. Institute for Environmental Conflict Resolution, and the Western Justice Center Foundation.[vi]

On the nature of knowledge:

There are many kinds of knowledge: scientific, technical, cultural, local, and remembered. All have a place at the table.

All information (scientific, cultural, etc.) is subject to questions about validity, accuracy, authenticity, and reliability. Every type of knowledge has standards of quality that can be examined, debated or shaped. The "what", "how", "who", and "when" are all negotiable.

Knowledge builds off of new questions and information.

Past experiences, intuition, hunches, and values can often enter into the scientific process, particularly in framing questions for research and data collection.

On uncertainty:

The greater the level of scientific and technical uncertainty about significant outcomes or impacts associated with actions, the more future research is warranted, and the more adaptive the resulting agreement should be.

Risks and uncertainties must be clarified and understood in both lay terms and scientific or technical terms.

On experts and other third parties:

Technical information often needs translation for lay users to be useful in watershed planning. In turn stakeholders often need to be diligent and study the technical information available.

On the process of using technical information:

Design the collaboration strategy to anticipate and intentionally incorporate the technical and scientific issues.

Insure that the start-up process (ground rules, learning about interests, developing a charter, etc) includes and anticipates scientific and technical exchanges that will occur.

Stakeholders need to be engaged in developing the questions that they think are important to answer. This also gives the sponsoring agency the opportunity to persuade other stakeholders which questions they think are most important. Explain the process- chart a path for evaluating technical information that leads to criteria for judging options and developing the options.

On modeling:

Be prepared to illuminate the base assumptions behind any scientific assertion. Take care to preface this information in ways to help stakeholders understand that differences in assumptions are rarely the result of malice or ignorance, but more often the result of legitimate differences in professional approach, scientific judgement, previous experiences, or stakeholder interests.

Modeling presents the opportunity to bring parties closer together in the search for wise answers. Have the parties negotiate the critical assumptions that will be used in a model. Stress the need for transparency of assumptions, the tentativeness of the model, and the limitations and uncertainties of the modeling being done.

On decision-making:

Help stakeholders understand that all scientific decisions are provisional despite the seeming finality of legal, administrative, and political decision-making. They are creating a resolution that is "temporary" until such time as future scientific evidence can better inform the decision.

If the stakeholders did not buy into the questions or methods used, options for how to address this distrust of data needs to be incorporated into the process and/or possibly any recommendations that result from the group (for example a recommendation could include suggestions for future research questions).

Tools for Learning About and Clarifying Problems

Early in the watershed planning process, a number of facilitation techniques can be used to encourage stakeholders to share their views and knowledge on the watershed. Participants need to feel safe in bringing up anything that concerns them without threat of criticism. Judging ideas at this point in the process can inhibit the group from bringing all the issues to the forefront that need to be considered. The following exercises are designed to provide an atmosphere of openness and creativity while identifying and clarifying issues with each other. They include: affinity, nominal group technique, photo documentation, and situation mapping.

Affinity Exercise

Why use it: To organize large amounts of data (ideas, opinions, issues, etc.) into groupings based on their natural relationships.
To generate new and different thinking

Use: When in problem space (problem analysis).
When facts or ideas are in chaos or issues are too large to grasp.
With groups of 5-15

Resources: Michael Brassard and Diane Ritter, *The Memory Jogger II*, Goal/QPC, Methuen, MA, 1994. Page 12

How to use it:

1. Write an open-ended question on easel paper. Team members, working alone, brainstorm ideas, record them on "Post-it" notes and display all notes on the easel paper under the question. Ideas may be expressed in abbreviated sentences, but they should include at least a noun and verb.

2. Working silently around the easel, team members simultaneously arrange the notes into related groupings. Should members disagree about the placement of a note, encourage them to observe where the note is placed and silently question why. Consensus will eventually be reached (although sometimes through exhaustion)

3. Working together, create headers for each grouping. (Use a larger Post-it note of a different color to create the header.) Headers should be concise (3-5 words), yet capable of expressing the essence, detail and common thread of the underlying notes.

4. Arrange the groupings so that related ones are next to on another. Draw lines around each grouping. Create supra headers for related groupings using rules found in step 3.

5. Draw a completed diagram and share it with interested non-team members. Solicit comments. This represents your best assessment of the issues affecting the situation. It may be altered many times as the team acquires additional information.

Nominal Group Technique

Why use it? It allows everyone the opportunity to express ideas through a round-robin process. Better to use affinity if participants are shy since they will have to say their issues out loud in front of everyone. This technique allows a team to reach a quick consensus on the relative importance of issues by ranking them.

Use: When in problem space or solution space and ideas are needed
With small groups of 5-9

Resources: Carl M. Moore, *A Facilitator's Manual.* 1996. Santa Fe, NM. Pp. 11-15.

How to use it:

1. Prior to meeting, decide upon a question for participants to answer. The question should be broad enough to allow for creativity, such as "What issues do we need to consider in developing a watershed plan?" Write this question on a flip chart sheet for people to see.

2. Provide people with paper and pens, and ask them to silently write as many answers to the question as they can in a few minutes.

3. Go around the table and ask each person to provide one issue at a time. Write the responses on flip chart paper in alternating colors. Let them know that they don't necessarily need to repeat an issue that has already been said (although you may want to place a check next to an issue if somebody feels strongly enough to say it again).

4. After everybody has had the opportunity to participate once, go back around the table until everybody is comfortable that they have expressed their issue or that somebody else has expressed their issue.

5. After the issues have been collected, the next step is to eliminate duplicates and clarify meaning of the issues with the group. Read each idea and ask if the meaning of it is clear. Make sure to ask the group's permission before eliminating anything, lest you wipe out somebody's concern to their dismay. Record the final list of issues on flipchart paper and letter them (A-Z).

6. If prioritization of issues is desired due to time constraints for addressing issues, the group can rank them. Care should be taken when doing so- in groups where contention and distrust exists you will want to avoid ranking issues.

Stakeholders whose issues have been given a low priority may feel that their interests will not be met. If trust in the group is high or members seem to have similar interests, you can move forward with ranking.

7. Provide sticky colored dots to each person. If a large number of issues were identified, divide the number of issues by 3 to determine the number of dots each person receives. For example, if there are 15 issues, each person gets 5 dots. Have each person write the letter of what they believe are their most important issues on the dots- they can divide up their dots however they choose. When everyone has finished, they can put the dots on the flip charts next to their corresponding choices.

8. Add up the dots next to each issue to get the group's final prioritized ranking. The group can tackle top ranking issues first. You may want to stress that this is a temporal ranking- that no issue is unimportant but that due to limited time you must choose which ones to tackle first in case the group runs out of time.

Photo Documentation Exercise

Why use it? It provides a means for participants to visually share their concerns through photographs, and lets others see through their eyes. It also provides an ice-breaking and team-building opportunity.

Use: To help learn about and clarify issues that are difficult to visualize, and when specific geographic locations of issues are important

Resources: Mark Jockers and Vaughn Brown, *That Vision Thing*, presented at IAP2 Conference, Salt Lake City, UT, May 2002.

How to use it:

1. Provide members of the watershed group with disposable cameras to take pictures of the watershed project area to document problems, issues, and opportunities. Ask members to fill out an accompanying photo log sheet to document time and date, location, creek name, and what the photo portrays. Provide a map of the watershed project area for members to mark where the photos were taken. (Sample photo log sheet found on next page.)

2. After the cameras are sent back and developed, the photos are digitized and also assembled into three albums. Make sure the photos are digitized beforehand to be able to project the selected ones on a laptop computer when the small groups make their presentations to the whole group.

3. At their meeting, break the group out into three smaller diverse groups. In the small groups, members explain to each other what they were portraying with their pictures. The small groups select photos from the albums that they believe are representative of all the issues that need to be considered during the watershed planning process. The small groups then report back to the larger group on their results.

4. Note that this exercise requires multiple facilitators for the small groups, and somebody to pull up the pictures onto the screen while the other records the final resulting issues.

5. Go over the list of issues with the larger group to eliminate duplicates and clarify meaning if necessary. Issues can be ranked if prioritization is needed. See Nominal Group Technique numbers 6 and 7 for ranking instructions.

Sample Photo Log sheet:

Crane's Creek Watershed Photo Documentation Form

Name:

Photo #	Date	Time	Weather	Creek	Location	What does photo portray/ what is your issue here?
1	5/1/2002	10 a.m.	Raining	Little Cranes	Bridge over rte 1	Sediment clogging creek
2	5/1/2002	1 p.m.	Sunny	Cranes	Penny Rd., from my house	Channelized creek

Situation Map

Why use it? To generate multiple descriptions of the problem as opposed to a more inflexible single problem definition. Grappling with descriptions will often stimulate stakeholders' understanding of how problems are linked with each other.

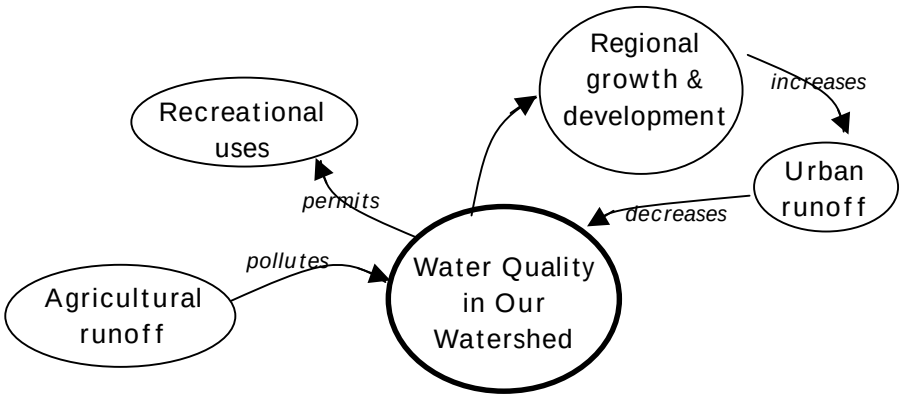
Use: To help learn about and clarify issues that are difficult to visualize, particularly helpful in understanding relationships among physical, social, and political components.

Resources: Steven E. Daniels and Gregg B. Walker, *Working Through Environmental Conflict: The Collaborative Learning Approach*, Praeger Publishers, Westport CT, 2001.

How to use it:

1. This tool is best used in a way that involves the entire group. It is a visual brainstorming exercise and relies on a free flow of ideas from the group.

2. Using an overhead projector or a flip chart present a "map chassis" - a core fragment of the situation map that identifies a few of the elements and relationships.



- Elements, represented by polygons, are parties, issues, and activities – nouns. (can use different shapes to represent different elements)
- Relationships, represented by lines, connect elements – verbs.

3. Ask the participants the following questions to stimulate responses for editing and adding to the draft map:

- What are the central issues in the situation?
- Who are the key stakeholders in this situation? How do they interact?
- What actions, behaviors, or practices should be included?
- What connects with what? In what way or direction?

4. Add new elements and relationships as the group responds. Before committing any new items to the drawing, ask for confirmation by the group members.

5. Continue to add and modify elements and relationships until no more additions or modifications are offered.

6. Review the map with the group to be sure that all members are satisfied with their product.

7. Reproduce the completed map in 8½ x 11 format for future reference.

Reaching a common problem definition

The Group transitions from "problem space" to "solution space" (see figure 1) when they have converged on a common definition of the problem(s) in the watershed. The information from the technical watershed assessment and the group's issues identification provides the basis for identifying the problems. At this point in the problem-solving process, the group has broadly identified problems and issues, and has clarified the meanings of those problems through discussion and investigation (including through the technical watershed assessment). The next step is to adopt a definition of the problem that all the participants share and can agree to work toward solving. In essence, agreeing to address particular problems is also setting goals for the watershed plan.

A technique that can prove helpful at this point is re-framing the problems. Re-framing involves re-stating the problem definition to reflect mutual interests. This helps the group to see choices that were previously hidden to them. For example you may have two seemingly competing interests expressed in the group:

- We need to conserve taxpayers money by limiting stream restoration
- We need to improve in-stream habitat by funding stream restoration

The group can help re-frame the issue to illuminate collaborative problem-solving opportunities. A simple question such as "is that the only way we might look at this problem?" can help get people thinking of new ways to frame the problem. A way to prompt a more collaborative view of the problem is to ask an open ended question like "how can we address interest A while also addressing interest B? A re-framed problem definition to reflect the above interests may look like this:

> How can we improve in-stream habitat while also being conscientious about taxpayers' money?

Or

> How can we get the biggest bang for taxpayers' dollars while improving in-stream habitat?

You get the picture- the group is setting the stage to come up with creative solutions to meet everyone's main interests.

4.3 Solution Space

The lower diamond area in figure 4.1, on page 44, represents solution space. Once the group has agreed upon the problem definitions, they move into a phase where they will generate options for addressing the problems, evaluate these options according to agreed-upon criteria, and select the best array of options that meet their interests.

The group is now ready to flex its creative muscles to generate potential solutions. Once again to prevent stifling of ideas, it is best to allow the group to generate solutions unencumbered by judgement. Depending upon which techniques were used in the technical watershed assessment, the assessment may yield a number of suggested options. This array of solutions should not be considered the absolute and only source of solutions unless the group decides to defer to the assessment results. Similar brainstorming methodologies (such as Affinity and Nominal Group Technique) may be used for generating potential solutions as were used for generating issues in problem space.

When an array of potential options have been collected, the group will need to agree upon a way to evaluate and choose options for the watershed plan. The group needs to discuss and establish clear criteria for a good decision before making that decision. The criteria can then be applied to the various alternatives to develop the decision.

If computer modeling is a part of the technical watershed assessment, criteria may be incorporated into the modeling to rate predicted outcomes. If so, the group should be involved with developing the criteria at that time, so the modeling outcomes reflect the group's interests.

There are at least three types of criteria that may be used to evaluate options:

- Technical criteria- for example, which option will improve the water quality the most?
- Political criteria- Which solution will satisfy the political interests of elected decision-makers (e.g. satisfy the most people)?
- Values-based criteria: Which solution is "right" according to my values?

When the group has agreed on a list of criteria, it may be useful to rank and weight the criteria based on importance to the group. Then the weighted criteria may be applied to the list of alternative solutions to see how the various solutions address the agreed-upon criteria. The group can then discuss the results and attempt to reach consensus on a final package of solutions for their watershed plan.

Following are some tools for helping the group move through solution space.

Tools for Working Through Solution Space

Brainstorming

Why use it? Allows convergent (broad) thinking without judgement

Use: When generating options in problem space or solution space
To develop a list of creative solutions

Resources: Natural Resources Leadership Institute, NC State University

How to use it:

1. Present the following ground rules for brainstorming:
   - Every contribution is worthwhile
   - Judgement of the offered ideas will be suspended; and
   - Modify the session before it starts or after it ends, but not while it is underway.

2. Invite the group to generate options for the resolution of the stated problem. Record all the options on a flipchart pad.

3. When brainstorming has ceased, ask the group for observations. Then discuss what they wish to do next.

Nominal Group Technique

A version of brainstorming- see section 4.2 for a description.

Empty Map (Design Charette)

Why use it? Maps can get people thinking about specific solutions for specific locations

Use: When generating options in solution space
To explore options involving problems of a physical or geographical nature

Resources: College of Design Research Lab, NC State University

How to use it:

1. Small groups are presented with a map of the geographical area of concern, and asked to indicate solutions where they would like to see them.

2. After everyone has a chance to write in their solutions, the whole group discusses the potential options that resulted.

4.4 Reaching Agreement

The ultimate goal of collaborative watershed planning is to come up with a package of inclusive solutions- solutions that address everyone's interests. Not everyone will be ecstatic with the solutions, but everyone should feel like they were treated fairly and came away with something out of the process. This section provides some principles and tools that may be used to help the group reach that goal.

Getting Consensus

When the group develops their charter early in the watershed planning process, they should come to agreement on their definition of consensus. Consensus does not necessarily imply unanimity. Reaching unanimity is important if the decision involves important, nonreversible, ambiguous, complex, or disputed issues- for it requires sharing information that leads to mutual education, promotes joint thinking, and the crafting of workable, acceptable solutions that are accepted by all. Unanimity is also time-consuming since each person may veto a decision. It is helpful for the group to have agreement on their decision-making process before they actually begin to make the substantive decisions.

While reaching unanimity may not be practical all the time, striving for unanimity should be practiced at all times in a collaborative watershed planning process. The group should do its best to try to satisfy everyone's substantial interests. Following are some methods that can be used in striving for unanimity (Natural Resources Leadership Institute).

Ask, "Who can't live with…?"

When discussion seems to be pointing toward a preferred solution, this question will help identify those who do not support the decision. If individuals indicate they cannot support the decision, explore their reasons why, then brainstorm how the decision can be altered to incorporate their interests.

5-Finger Scale

A 5-point scale can assess the possible gradients of agreement among participants. The scale allows participants to communicate their intentions more clearly and permits a clearer assessment of the degree of agreement that exists. Participants are asked to raise their hand and display the number of fingers that correspond to their level of agreement. It is useful to post the scale on a flipchart for participants to see.

1. Endorse (I like it)
2. Agree with reservations
3. Mixed feelings
4. Don't like, but won't block
5. Will block it

It is important to find out the nature of disagreements with a proposal. It is helpful to characterize concerns as follows:

- Minor concerns with wording or editing
- Agreement with the main thrust of the proposal, but concerns with specific elements which, if changed, would lead to agreement
- Major concerns: principled disagreement with the overall direction of the proposal, which if not addressed, would lead the member to block the consensus.

Getting Agreement on Complex Issues

Since developing a watershed plan can be a complex issue with multiple problems, it is necessary to combine the various options into a cohesive agreement.
Usually the group is selecting options from several different categories, so in essence is building a "package". In choosing to build a "package" the group is attempting to see how options from each category fit with each other so complementary choices can be made. Three packaging techniques are:

Building Block

When using this "package-building" technique, agreement is sought on each identified sub issue, then combined into the final package.

Agreement in Principle

This technique is conducted in reverse order of the building block method. Rather than getting an agreement on specific issues, the goal is to reach a broad agreement in principle. Based on the larger agreement, options are developed and selected for each of the smaller issues.

Single Text

The technique is used to identify areas of agreement as the group works to continually expand areas of agreement. An intervening neutral or one of the parties may develop the single text. Since each group is not promoting its own set of solutions (multiple text) the entire group can work with a single text. An example of this occurs when the facilitator, convening agency, or agency conducting the technical watershed assessment develops a draft set of watershed recommendations for the planning group to respond to and edit.

4.5 Preparing the Plan for Implementation

Once the group has agreed upon a set of recommendations for the watershed plan, the next steps involve documenting these recommendations and preparing the plan for implementation. This section provides an overview of actions that are important for making sure the plan is likely to be implemented. These include writing the document, ratifying the plan, integrating the plan into formal decision-making processes, and implementing the agreement.

Writing the Document

At this point agreements have been made, and the group must ensure that those agreements are documented accurately and in a style that meets the watershed plan's outreach needs. Waiting until all the agreements are made before writing the document is one option, but a better one is to begin writing it as the planning process proceeds. This will save the writer from "crunching" it all in at the end, and may improve the accuracy of the document if agreements are recorded within a document as they are made. Changes may be tracked as the group moves forward with compiling their "package" of decisions.

Style

The watershed plan should be written with an audience in mind. If the audience is to include the lay public and elected officials, the language and format should be easy to read, and free of jargon. Technical material may be included as appendices

or separate available documents rather than stuck in the middle of the watershed plan for people to slog through.

Content

Key components to the plan include:

- An executive summary
- A brief background to give context to the planning effort
- Identified problems in the watershed
- Documented areas of agreement to ensure a common understanding of the participants' accord, and an action plan for agreements
- Dissenting opinions on any agreements that did not enjoy full consensus
- A plan of action including what, how, when, where, and who

Watershed stakeholders should have the opportunity to read and edit drafts of the watershed plan, particularly to ensure that their issues and agreements have been characterized according to their understanding of what occurred. Meeting summaries should provide an accurate record of agreements that were made in case there are any questions.

Ratifying the Plan

Ratification refers to the process stakeholders follow to get support for the plan from organizations that have a role in carrying it out. If careful attention was provided to selecting stakeholders for the watershed group, the people who represent those organizations should already be a part of the group, or have been kept apprised of the planning process.

Ideally, stakeholders are keeping their organizations informed of the process as it is occurring, and are making agreements with support of their organizations. When the final watershed plan is presented to their organizations, the contents should not be a complete surprise. Each organization must follow its own internal procedures as it reviews and adopts the plan.

Linking to Formal Decision-making

Once the watershed plan has been completed, it may be necessary to link the plan, which has been created in an informal setting, to the formal decision-making process of a city council, county board of commissioners, or other similar body in order for the results to be implemented. In the best of circumstances, members of formal bodies will either have participated in the process or have been well informed of the process so the outcome will not be a surprise. Be clear about what

action you are asking the decision-making body to make. Do you want to just keep them informed about your activities in case you need their involvement at a later date? Or do you want them to consider a formal ordinance change?

Some techniques for linking to formal public decision-making include:

Joint Memberships/Liasons

Somebody from the decision-making body has either participated in the planning process, or served as a liason between the two.

Reports

The group can use a report to describe the group's agreement. The report should describe the nature of the decision-making process and who participated.

Presentations

Oral presentations can be very helpful in briefing decision-making bodies. Visual aids are always useful.

Implementing the Plan

Plans for implementation should be developed with the problem-solving process. Communication and collaboration among the parties should continue as the plan is carried out. The parties must determine how they will keep track of the success of their solution. They should have a plan for affirming outcomes, resolving problems, renegotiating terms, and celebrating successes.

Some techniques for implementing the plan include:

Action Planning

This is to determine the who, what, and when elements of an implementation plan. Find out what needs to be done and by what date before a responsible person is named. Commitments must be made so that every party is assured that the others will carry out their part of the plan. Parties must discuss and agree upon methods for making such assurances tangible.

Monitoring Mechanisms

A number of mechanisms can be established to ensure that the agreement is being executed. Involving the watershed stakeholders who reached agreement can help ensure continued commitment to implementation. Monitoring techniques include regular reporting by the implementing group (which is likely the convening agency),

active monitoring by members of the watershed group, or independent monitoring by a third party. Implementation efforts are self-enforcing when the parties themselves have a high stake in the outcome and are directly involved in implementation. The implementing group can report back to the watershed group if difficulties or obstacles are encountered.

Renegotiation Mechanisms

Many agreements, especially those developed in a changing political environment, will not always be workable because of changing parties, possibilities, or contexts. A mechanism to address these problems through the resumption of a collaborative problem-solving process may be desired. If the watershed group believes this process might be necessary, the process should be designed before it is needed.

Celebrate Success!

The group has worked hard on developing a watershed plan, and has finally reached that important goal. Find a way to celebrate that success- share a meal or an outing, involve the media, or hold a party! Even better, celebrate some of those small successes along the way to keep moral and motivation alive throughout a long planning process. Watershed planning can be hard work, but that doesn't mean it can't be fun.

[iv] Kaner, Sam. *Facilitator's Guide to Participatory Decision-Making*. British Columbia: New Society Publishers. 1996.

[v] Center for Watershed Protection. *Rapid Watershed Planning Handbook: A Comprehensive Guide for Managing Urbanizing Watersheds*. Ellicott City, MD. 1998.

[vi] Found on the Resolve website at http://www.resolv.org/tools_pubs.html

Section Five: Guiding Principles

The first four sections of this guidebook describe in detail the stages of the collaborative watershed planning process, from deciding how to involve the public, to developing a plan. This section departs from the other four in that it is less prescriptive, and focuses on the basic principles upon which collaboration is built. It describes the underpinnings of collaborative processes and the respective roles of the facilitator and participants in ensuring that the collaboration results in fair, wise and stable outcomes.

The purpose of this section is to offer general guidance to a facilitator leading a collaborative decision-making process. It covers facilitator principles as well as basic communication skills. It also describes the stakeholders' role in the process so that the facilitator can assist them in fulfilling that role. Much of the material contained in this section are reproduced in the three handouts in Appendices C-E and described in Section 3. As the facilitator guides the group toward a collaborative agreement, it will be helpful to periodically refer to these handouts and remind stakeholders how they can most effectively participate.

Lessons learned #6

Modest investments of state funds in organizational capacity building in collaboratives have a big payoff

National Policy Consensus Center 2002

5.1 Principles of Collaborative Problem Solving

Searching for solutions to water quality problems can lead to difficult choices. It is natural for stakeholders to approach problem-solving processes with solutions already in mind, solutions that further their own desires for a favorable outcome. In other words, they may take a position on the matters under discussion. As they start working in a group context they can become focused on their positions, often without considering the problem from the perspective of the other stakeholders. Further discussion and deliberation results in stronger defense of their positions and little attention is given to understanding the interests behind those positions. In such a contentious atmosphere the choice groups face will likely lead to a win/lose outcome, an impasse, or a compromise that satisfies no one.

In contrast, a discussion that allows for an understanding of each party's underlying interests:

- Moves people away from contending positions
- Promotes mutual education
- Allows a cooperative atmosphere to develop
- Encourages the generation of many options
- Permits the search for a creative solution

An effective way of resolving public issues that affect many people with competing interests is through collaboration. Collaboration is an inclusionary process that promotes lateral communication and shared decision-making. Successful collaborative processes share a common set of principles that enable people to work together in a way that produces outcomes that are wise, fair, efficient and stable. The following principles[vii] have been identified from case studies of successful collaborative processes:

☑ **Purpose-Driven.** People need a reason to participate in the process.

☑ **Inclusive.** All parties with a significant interest in the issue should be involved.

☑ **Educational.** The process relies on the use of the best available information and allows for collaborative inquiry.

☑ **Voluntary.** The parties who are affected or interested participate voluntarily.

☑ **Self-Designed.** All parties have an equal opportunity to participate in designing the process. The process must be explainable and designed to meet the circumstances and needs of the situation.

☑ **Flexible.** Flexibility should be designed into the process to accommodate changing issues, data needs, political environment, and programmatic constraints such as time and meeting arrangements.

☑ **Egalitarian.** All parties have equal access to relevant information and the opportunity to participate effectively throughout the process.

☑ **Respectful.** Acceptance of the diverse values, interests, and knowledge of the parties involved in the collaborative process is essential.

☑ **Accountable.** The participants are accountable both to their constituencies and to the process that they have agreed to establish.

☑ **Time Limited.** Realistic deadlines are necessary throughout the process.

☑ **Achievable.** Commitments to implementation and effective monitoring are essential parts of any agreement.

5.2 The Facilitator's Role

The Facilitator's Core Values

Facilitating a watershed planning process is a third-party activity that seeks to help participants develop wise solutions to complex issues that mutually satisfy all stakeholders. To accomplish this, the facilitator must approach this work guided by a set of core values that guide him from start to finish.

The facilitator must pursue **full participation**. All people who are affected by the outcome of the process, or can affect the outcome, should be among those who are convened to work on the problem. All those who are convened should have an equal opportunity to participate in the discussion and be heard.

The facilitator should provide opportunities for participants to learn from one another to ensure **mutual understanding** among the stakeholders. The facilitator can also guide stakeholders in a joint pursuit of information that leads to a common understanding of the issues.

By striving for **inclusive solutions**, the facilitator helps stakeholders generate options that satisfy the many and varied interests represented by the group. The facilitator also assists participants in selecting options that meet objective criteria established by the group.

The facilitator should help the group develop a sense of **shared responsibility** – responsibility for the process as well as the outcome. Processes in which all participants feel responsible for their actions and outcomes are likely to result in agreements that are sustainable.

When pursued effectively, these four interdependent values produce the following results:

Full Participation

- All participants speak their minds
- Participants are willing to raise difficult issues
- Everyone becomes more adept at discovering and acknowledging diverse perspectives and opinions

Mutual Understanding

- Participants accept one another's needs and goals as legitimate
- A common perspective or framework of understanding emerges
- Individuals are able to develop innovative ideas that incorporate everyone's point of view

Inclusive Solutions

- It is accepted as a norm that everyone has a piece of the truth
- Wisdom emerges from the integration of everyone's perspective and needs
- Wise decisions result

Shared Responsibility

- Participants share a strong sense of responsibility for creating and developing sustainable agreements
- They make every effort to give and receive input before a final decision is made
- Participants are willing to help implement the proposals they endorse

Principles of Facilitation

Working from a set of core values ensures that the facilitator strives toward a fair and effective process. At the same time, the facilitator must draw upon six basic principles of the craft to help him guide the group toward a common purpose and satisfactory outcome. Although seemingly simple and straightforward, these principles encompass a comprehensive set of skills that require preparation, practice, and technique. By adhering to these principles throughout the deliberation process, the facilitator will improve the group's ability to work collaboratively on tough problems and develop solutions that stick.

Clearly Define and Agree Upon Roles

- Make roles explicit in advance of meetings.
- Include role definitions as part of the ground rules.
- Get permission to keep people in their roles.
- Establish a process for rotating some roles.
- Offer reminders when people step out of role.
- Ask the group to deal with questions if they arise.

Address One Subject at a Time

- Get group agreement in advance on desired outcomes and agenda.
- Keep agenda in view during the meeting.
- Get permission in advance to keep the discussion focused.
- Use flip chart to record discussions.
- Keep record of meeting discussion in full view of group.
- Summarize and confirm agreements and next steps.
- Remind group of the subject they agreed to discuss.
- Record new issue on flip chart to assure it has been understood and can be remembered.
- Renegotiate the meeting agenda.

Follow One Process at a Time

- Get group agreement in advance on an agenda.
- Keep agenda in view during meeting.
- Get permission in advance to keep group using one process.
- Get agreement on a way to proceed before proceeding.
- Remind group of the process they agreed to use.
- Try one approach; if it doesn't work try something else.
- Educate the group about the process.
- Offer a suggestion on how to proceed.
- Renegotiate the agenda.

Promote Open and Balanced Discussion

- Set up the room.
- Get agreement on explicit ground rules.
- Keep the ground rules in view during the meeting.
- Get permission in advance to help maintain open dialogue.
- Listen.
- Be positive to encourage participation.
- Thank people for contributing ideas.
- Establish a queue when several people want to speak.
- Go around the room asking each person to speak.
- Ask the quieter people what they think.
- Ask people who speak a lot to give others a chance.
- Float a trial balloon: "I haven't heard anyone mention...yet, is that relevant here?

Protect People and Their Ideas from Attack

- Calm yourself.
- Model courtesy.
- Get agreement on explicit ground rules.
- Get permission to protect people and ideas from attack.
- Keep the ground rules in view during the meeting.
- Record ideas on flip charts without attribution.
- Listen to and watch the group.
- Acknowledge people's feelings when they are expressed.
- Diffuse intense emotions by looking at the speaker, accepting their feelings as legitimate, and paraphrasing to ensure you understand; do not try to minimize, joke, or resolve the feelings.
- Call for breaks or caucuses.

Organize Information for Efficient and Effective Use

- Record ideas on flip charts without attribution.
- Track various lines of thought in a discussion; point out the multiple elements.
- Suggest techniques for achieving a common framework of understanding.
- Suggest ways to categorize elements of a complex discussion quickly and effectively.
- Listen for common ground; summarize differences and similarities

The Facilitator Contract

The facilitator plays a powerful role by (1) controlling the flow and pacing of the meeting process; (2) settng the tone for discussions; and (3) helping the group focus on important items, make decisions and get the work done.

The facilitator's power is authorized solely by the group. The group authorizes the facilitator to guide them and can withdraw its consent at any time.

To establish this authority the facilitator must introduce himself/herself and explain how he/she came to be in the role; then...

- Defines the facilitator's role AND GETS CONSENT.
- Reviews the purpose AND GETS CONSENT.
- Reviews the agenda AND GETS CONSENT.
- Defines ground rules AND GETS CONSENT.

The facilitator draws on this consent during the meeting to keep the group on track and working.

5.3 Basic Communication Skills for Facilitators

Nine techniques that honor all points of view, encourage full participation, and assist in the mutual education of all participants:

Paraphrasing

A basic listening skill that is the foundation for many other listening skills. Its purpose is to signal intent to understand content and/or feelings. Its use has both a calming effect on the speaker and a clarifying effect on the speaker's content.

Use when: The speaker's statements are confusing and/ or you want the speaker to sense s/he is being understood.

How: Repeat in your own words what you think the speaker said. If the speaker's comments are long, summarize it. Preface your paraphrase with something like, "Let me see if I understand," or "This is what I'm hearing you say..." Then check with the speaker to see whether your understanding is correct. If it is not, the speaker will correct you.

Drawing people out

A way of supporting people when helping them to clarify their goals, refine their ideas, or tell the whole story. It sends the message that it's ok to take the time to get everything out that's pertinent. The skill is most often used in conjunction with paraphrasing.

Use when: Someone's contributions are vague or confusing to other listeners, or there is need to understand more about what is behind the statement.

How: Begin with a paraphrase of what you think you heard, then ask an open ended, non-directive question. Example questions include... "Can you say more about... ?", or "What do you mean by ... ?"

Mirroring

A form of paraphrasing in which the facilitator repeats the speaker's exact words. Used appropriately, it has the effect of building trust, or satisfying a person's need to be understood through a greater degree of precision than paraphrasing. It also has the effect of increasing the tempo of a slow moving discussion.

Use When: In newly formed groups unfamiliar with a facilitator, or when facilitating a brainstorming session.

How: Repeat the speaker's words or phrases, being careful to use his or her words, not your words. Take care to maintain a warm, accepting tone of voice, regardless of what the speaker voice sounds like.

Encouraging

The art of providing an opportunity for people to participate without causing anyone to be uncomfortable.

Use When: In the early stages of discussion while participants are still warming up.

How: Ask an open-ended question, such as "Who else has an idea? " or "Is this discussion raising any questions for anyone?" or "Let's hear from someone who hasn't spoken for a while."

Balancing

The content of discussion often proceeds in the direction set by the first few speakers. A skilled facilitator is able to help a group discover all the views pertaining to the subject through the art of balancing. Balancing assists individuals who need support in expressing minority views and helps establish group norms that it's OK for members to speak their mind.

Use When: Whenever there is a need for divergent thinking within the group.

How: Call out a question inviting others to participate. Examples: "Ok, we've heard two points of view. Is there a third way of looking at this?" " Does everyone else agree?" So, we know where John and Mary stand; does anyone else have a different position?"

Making Space

This technique provides opportunities for individuals to participate when they may otherwise be reluctant to contribute to the discussion.

Use When: When you spot an individual who is not participating and you Wish to check on or sense their need to gain some space.

How: Offer comments, or questions such as, "You look like you might want to say something, Joan?", or "Was there a thought you wished to

express, Joan?". When the reticent find it difficult to get a word in edgewise, jump in and suggest "let's take turns. Joan (the reticent one) why don't you go first?"

Stacking

Also known as establishing a queue, this is a procedure for helping people take turns when several people want to speak at the same time. The procedure allows everyone who wants to speak know exactly when it is his or her turn. Additionally, it relieves the facilitator of having to keep track of who has and has not had a chance to speak.

Use When: Whenever the facilitator encounters several people who wish to speak at the same time.

How: First, ask those who wish to speak to raise their hand. Then proceed in the following manner: "Bill, you're first, Joan, second, Thad, third..." (When Bill is finished,) "Joan, it's your turn. " When the last in the queue has spoken ask if anyone else wishes to speak.

Tracking

This procedure refers to keeping track of the various lines of thought that may occur simultaneously in a discussion. Tracking alerts the group that several elements of a topic are being discussed simultaneously. It treats each element as valid and helps focus discussion on each issue. It further helps to relieve anxiety felt by those who have raised an idea to which the group has not responded.

Use When: Whenever different elements of a discussion are raised simultaneously.

How: Tracking is a specialized form of summarizing. For example, in a discussion about finding a new leader for the group, the facilitator might note, "It sounds to me like there are at least three different discussions going on right now. One is a discussion about roles and responsibilities. Another is about financial implications, while a third seems to be a review of what some of you learned from your experience working with the previous incumbent. Is that about right?"

Listening for Common Ground

A form of intervening when participants are polarized. When done effectively, it has the effect of validating the group's areas of disagreement and helps to focus attention on areas of agreement. It has the effect of bridging interests.

Use When: Whenever the group begins to polarize.

How: One method progresses through four steps:

- Suggest you are going to summarize the group's differences/similarities.
- Summarize the differences;
- Summarize the similarities.
- Check for accuracy.

5.4 Stakeholders' Role

Finding solutions to water quality problems that work for everybody is not an easy task. Members of a watershed coalition must work with others whose concerns, needs, interests, and values may be very different from their own. Yet, they are being asked to deliberate important issues and come to solutions that work well for all water users. How can they get their needs and interests met while at the same time allowing others to do the same? The answer is by engaging in Principled Negotiation.

As described by Roger Fisher and William Ury in their book *Getting to Yes, Negotiating Agreement without Giving In* (Penguin Books, 1991) principled negotiation is based on four very sensible negotiation activities. By working through each activity, coalition members are more likely to reach wise, workable, and honest agreements that are acceptable to all. The four points of principled negotiation are:

Separate the people from the problem

- Be hard on the problem, soft on the people
- Put yourself in their shoes
- Discuss each other's perspectives
- Listen to what they say

Focus on interests, not positions

- Identify interests by asking why and why not
- Talk about your interests, make them real

Identify options for mutual gain

- Separate inventing from deciding

- Brainstorm
- Look for shared interests

Evaluate options using objective criteria

- Criteria should be independent of each other's will
- Frame each issue as a search of objective criteria

Seeking Consensus

Consensus is the decision rule that allows collaborative problem solving to work. Consensus prevents the decision from being driven entirely by power politics. It allows people to build trust and share information, especially under conditions of conflict. Consensus does not mean that everyone will be equally happy with the decision, but rather, all will accept the decision. It is not realistic for groups to require that all decisions be made by consensus. Groups that require unanimous agreement risk being held hostage by a demanding member. Instead, groups should seek consensus; they should go the extra mile to find solutions that meet the interests and concerns of everyone. If an agreement cannot be reached – if consensus cannot be achieved – each participant is free to exercise his next best alternative to a negotiated outcome.

Misconceptions about Consensus

Many people are reluctant to engage in consensus decision-making, often because of some common misconceptions about what they have to give up.

"I will give up authority" Decision-making authority of senior managers, elected and appointed officials, and others is crucial to the consensus decision making process. The fear of giving up authority in order to reach agreement is unfounded. Unless the stakeholders support the agreement, there won't be one. This includes those who need to maintain their decision-making authority.

"I will be pressured to betray my constituents" Most people believe that consensus means compromise, and that everyone must sacrifice what they need in order to reach agreement. This is not true. Consensus agreements reflect outcomes that are better for each stakeholder than his or her next best option. Stakeholders are free to walk away if they cannot get what they need through negotiation.

"I will have to help my enemies" You are negotiating to meet your own interests. The most effective means of meeting your own interests is often to assist the other parties get what they need as well. The goal of consensus building is to get what you need, not to injure the other side.

"I will be forced to abandon my principles" Every participant is free to disagree with whatever is being proposed during a discussion. This is true even if you can't express exactly why you are not happy with a decision.

Tactics that Prevent Agreement

- Staking out extreme positions
- Withholding information
- Making little effort to learn the interests of others
- Trading small concessions.

Methods that Promote Agreement

Preparing to reach consensus

Understand the purpose of negotiation – The purpose of negotiation is not necessarily to reach agreement. Agreement is only one means to an end. Rather the purpose is to explore whether you can satisfy your interests better through agreement than you could by pursuing your best alternative to a negotiated agreement (BATNA).

Understand your concerns and interests – What is most important to you, and why?

Try to understand the concerns and interests of other parties – What might be most important to them, and why? What perceptions do they have that may complicate the issue?

Clarify your BATNA and make a preliminary assessment of theirs – What options do you have if you can't get what you need through negotiation? What options do they have?

Understand options that might solve your concerns and be acceptable to other parties – What kind of outcome do you want? What kind of outcome do they want? Do solutions exist that will satisfy you and them?

Creating mutual gains

Explore interests – Express your needs and concerns and learn the needs and concerns of others.

Engage in a joint search for information – Identify questions of fact that you need to answer to better understand the problem, or evaluate a solution.

Invent options without committing – Brainstorm proposals to satisfy the issues under discussion, without the pressure of having to agree at this stage. Start each proposal with "What if…"

Create packages – Once you have identified options that satisfy the interests of all or most stakeholders then assemble them in an agreement "package". A package is a set of proposals that addresses the issues that are the focus of your work. Assembling packages enables stakeholders to make tradeoffs among issues, ensuring that each person is able to meet their most important interests. Each proposal may not have unanimous approval, but the group supports the package as a whole.

5.5 Principles of Agreement

Lessons learned #12

Partnership agreements complement and help implement regulatory requirements rather than supplant them

National Policy Consensus Center 2002

Collaborative watershed planning groups work hard to develop solutions that meet the interests of individual group members and their constituents, and that improve the watershed in one way or another. Group members explore interests, generate options, evaluate options and, if successful, reach agreement on a course of action. All of this happens in the context of a negotiation. In a negotiation, group members must make trade-offs in order to satisfy their most important interests while enabling others to satisfy theirs. In the end, a complex set of agreements emerges that everyone can accept, but is composed of individual agreements that vary how well they satisfy members of the group. It is important that groups understand how agreements vary, and the characteristics of agreements – and the process by which they were fashioned – that make them durable.

Forms of Agreement

Groups often view an agreement as valid only if it permanently resolves the substantive issues they are dealing with. Anything else might be considered failure to reach agreement. On the contrary, valid agreements can range from very strong substantive agreements, to weaker provisional, procedural agreements. As long as avenues remain open for future negotiation, agreements can be strengthened. Agreements can vary in scope, strength, and context, and still be considered agreements. The table below lists several types of agreements that groups may encounter.[viii]

Table 5.1 Types of Agreements

Stronger	Weaker
Substantive	Procedural
Non-conditional	Contingent
Binding	Non-binding
Permanent	Provisional
Comprehensive	Partial

Substantive Agreement: Focuses on specific, tangible exchanges that are made. "Intensive livestock operations will be sited no closer than 1,500 feet from the nearest perennial stream."

Procedural Agreement: Defines the process to be used in making the decision. "During the next two weeks the researcher we agreed upon will gather the information; then we will meet on March 12 to examine the data and complete our settlement."

Non-conditional Agreement: Defines how the dispute will be resolved without the requirement of any future conditions.

Contingent Agreement: Agreement involving a conditional sequence of actions. "If you will move your activities over by 100 feet, we will waive the necessity for a special permit."

Binding Agreement: Requires a party to uphold the terms of the settlement; often specifies consequences for not following through.

Non-binding Agreement: Agreement constitutes a set of recommendations or requests to which the parties need not adhere.

Permanent Agreement: A lasting agreement that is unalterable.

Provisional Agreement: A temporary agreement that may be subject to future change.

Comprehensive Agreement: Agreement that covers all disputed issues.

Partial Agreement: Agreement on only a portion of the issues under dispute.

Durable Agreements Must Satisfy Three Types Of Interests

Substantive, procedural and psychological interests must be satisfied if the parties hope to achieve a durable agreement to a dispute. Like a three-legged stool, the three types of interests form the basis of the negotiated agreement. If any one of the interest types are not fully satisfied, the agreement may very well collapse under future pressure. These interests are elaborated below.

Substantive

Most parties enter a negotiation to "get" something. Although their ideas about their interests may change over the course of the negotiation, they need to come away with some sense of substantive satisfaction; a sense that they got what they came for.

Procedural

Even if they get what they want, parties will not be satisfied if they think the process was not "fair." This is a subjective assessment, but a powerful one. In particular, if a party thinks the procedure was irregular, the party may distrust others and work against implementation of the agreement.

Psychological

Everyone needs to feel heard and respected. Should a party feel he or she was not adequately heard during the discussions, the agreement may not prove durable. Poor relationships that develop in the negotiation will overshadow otherwise acceptable results.

Durable Agreements are Fair, Efficient, Wise and Stable[ix]

Fair Agreements

- The process was open to public scrutiny
- All groups who wanted to participate were given the chance to do so
- All parties were given access to the technical information they needed
- Everyone was given an opportunity to express his or her views
- The people involved were accountable to the constituencies they represented
- There was a means for due process complaints to be heard at the conclusion of the deliberation

Efficient Agreements

- A climate for collaboration was made possible
- Parties had the opportunity to work toward win/win solutions
- The process was expedient yet fair

Wise Agreements

- "Advocacy science" was avoided
- The most relevant information was brought to the table
- All parties participated in an effort to minimize the risk of being wrong
- An environment was created that accommodated the best possible technical evidence, regardless of which "side" that evidence supported
- An environment was created that allowed a for a "collaborative inquiry"

Stable Agreements

- The agreement was feasible and could be carried out
- Commitments made by each party were realistic
- Parties took responsibility for cultivating support for the agreement from their constituencies
- Parties took responsibility for meeting all restrictions and protocols specific to their own organizations
- Time tables for implementation were realistic
- Provisions were made for re-negotiation

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed it is the only thing that ever has."

- Margaret Mead

[vii] Ten principles of collaborative problem solving can be found in *Building Consensus for a Sustainable Future: Putting Principles into Practice* by Gerald Cormick, et al., National Roundtable on the Environment and the Economy, Ottawa, Canada, 1996. The eleventh principle, "Educational" was added by the authors.

[viii] Roger Fisher and William Ury in their book, *Getting to Yes: Negotiating Agreement Without Giving In, 2nd Edition*, New York: Penguin Press, 1991, list several more pairs of adjectives describing agreements of different strengths.

[ix] These characteristics of workable agreements can be found in *Breaking the Impasse: Consensual Approaches to Resolving Public Disputes* by Lawrence Susskind and Jeffrey Cruikshank, New York: Basic Books, 1987.

Appendices:

The appendices of this guidebook are set up so they may be copied and used at the reader's discretion. They are therefore individually paginated, if at all.

In the pages that follow, please find:

Appendix A. Citizen Participation Preliminary Screening Instrument

Appendix B. Example Draft Charter & Ground Rules

Appendix C. Principles of Collaborative Problem Solving

Appendix D. Searching for Agreement

Appendix E. Reaching Agreement

Appendix F. Orange Auction

Citizen Participation Preliminary Screening Instrument

1. Amount of publicly owned land in the watershed

(Can you spare a few acres?)

This speaks particularly to agencies whose role is to develop on-the-ground projects. Land is needed to build the projects, and cooperation from private and public landowners is essential. If publicly owned lands are readily available for project placement, an agency may be able to meet its goals by working closely with governments. Where little public land is available in the watershed, the agency will have to rely on private landowners to help it meets its goals. This will require broader participation in order to find willing landowners.

1	2	3	4	5
None Available				Large Amount

2. Degree that people will be personally affected by mitigation and water quality improvement decisions

(This watershed management decision can't touch me with a ten-foot pole!)

If stakeholders feel they have a high stake in the issue, they are more likely to come to the table to participate. For example, if developers worry about being further regulated, they may feel watershed management decisions could affect their business. A resident who has experienced negative impacts from flooding or poor drinking water may also perceive a reason to become involved. In essence, the more likely stakeholders feel the planning process can solve their problems, the more likely they will participate.

1	2	3	4	5
Low degree				High degree

3. Level of trust in governmental decision-making

(In government we trust …)

Agencies who have worked within the watershed before may be able to tell about the reception they received from local citizens. Surefire evidence of distrust is the formation of NIMBY groups (Not-in my backyard) or advocacy groups that are dedicated to protecting property rights from governmental intrusion. A quick search of a local newspaper's web site can reveal stories about the political atmosphere in the watershed. If the investigation reveals that trust in state and federal governments is low, local citizens' suspicions will only be reinforced if you do not include them in the watershed planning process. If citizens appear more comfortable with leaving the decision-making to government officials, they may not mind a more casual consultative/feedback process rather than a formal collaborative process.

1	2	3	4	5
Low Level of Trust				High Level of Trust

4. Agency's degree of knowledge about local water quality issues

(We're from the government and we need your help.)

Does the agency know with some degree of certainty where the likely sources of watershed degradation and restoration opportunities are located? Does the agency know where to look for restoration opportunities or does it need local assistance? How much an agency knows about the local situation may help to determine how much public involvement is necessary. For example, if the agency has many projects in an area and already has a wealth of information, there may not be a need to involve local citizens for the purpose of gaining information.

1	2	3	4	5
High Degree of Knowledge				Low Degree of Knowledge

5. Time frame available for a collaborative consensus process

(You want this watershed plan WHEN?!)

A successful collaborative decision-making processes takes time, allowing participants to build trust and to educate each other about their interests. Expect to take at least 18-24 months to complete a collaborative watershed planning process. A recent study of watershed partnerships in California and Washington showed that older partnerships tended to be more successful than younger ones, under 2 years of age. Keep in mind the most successful watershed groups may be anywhere from 2 to over 6 years old. The point is that you cannot rush a collaborative planning process, nor can you have unrealistic expectations about what the group will accomplish.

1	2	3	4	5
Time too short/no deadline				Time optimal for consensus process

6. Resources to support collaboration

(How much will it cost?)

Collaborative decision-making processes require not only time, but also funding. Who will run stakeholder meetings, plan agendas, facilitate, write meeting summaries, and maintain communications? An agency has to decide if the resources are available, and also if the benefits acquired from a collaborative process outweigh the costs to both the agency and the stakeholders. A consultative/feedback approach may achieve agency goals at a reduced cost.

1	2	3	4	5
Resources Not Available				Available Resources

7. Setting precedents or dealing with principles

(We're setting a precedent here, so I'll see you in court!)

If stakeholders believe they are setting precedent on a particular issue, they are more likely to adamantly fight for their position. They may also be more cautious about making decisions. In addition, if stakeholders feel their principles are at stake, they may be less willing to negotiate on issues.

1	2	3	4	5
Strongly precedent-setting/ principle-focused				Not precedent-setting/ principle-focused

8. Degree of Polarization

(I'm not setting foot in the same room as him.)

Long-standing conflicts in a community may have polarized stakeholders against one another. Feuding stakeholders that have hardened their positions may be unlikely or unwilling to work with each other. If this is the case in a watershed, more may be accomplished by working with stakeholders on an individual basis rather than attempting to join the stakeholders.

1	2	3	4	5
Groups highly polarized				Groups not polarized

9. Willingness to use collaboration in decision-making

(We make the decisions around here.)

Key decision-makers must be comfortable with the idea of providing some power to a stakeholder group in order for a stakeholder group to be effective. For example, if local government does not intend to listen nor support a stakeholder group's recommendations, and local government participation is needed to implement a watershed plan, the group may experience limited success.

1	2	3	4	5
Not willing nor committed				Willing and committed

Scoring the Instrument

If you scored below 24, then a feedback/consultation process for involving the public may be adequate for meeting the agency's goals of developing a watershed plan to use mitigation projects to ameliorate water quality degradation. Further assessment may be warranted for developing a feedback/consultation design for involving the public.

If you scored above 30, conditions in the watershed may favor a more involved collaborative stakeholder process for developing a watershed plan. Further assessment is necessary to plan and design a collaborative stakeholder public involvement process that is likely to yield a successful watershed plan.

If you scored between 25-29, either process may be appropriate for involving the public. Further examination of agency goals and resources in the watershed may help tip the decision to use a particular process.

Based on preliminary screening, you may decide a consensus decision-making process is warranted. Preparation for the process will provide the building blocks for a successful outcome. This will require the design of a Watershed Situation Assessment Process. Before the design can begin, certain information is needed to determine how to progress.

Example Draft Charter & Ground Rules

Background

The North Carolina Wetlands Restoration Program (NCWRP) is a non-regulatory program charged with wetland, stream and riparian buffer restoration across the state. To implement these projects NCWRP is initiating Local Watershed Planning within several small watersheds where local needs and opportunities exist. The purpose of the Local Watershed Planning effort is to promote local recommendations and actions to address degradation of water quality and wildlife habitat, and flood water retention issues. NCWRP recognizes that it is important to work with local stakeholders to develop solutions for the degradation issues identified. NCWRP is interested in helping local stakeholders identify and implement wetland, stream and riparian buffer restoration projects in concert with other watershed restoration strategies. Some of these projects will help meet future compensatory wetland and stream mitigation requirements.

With the assistance of local input, water quality data, and sensitive resource information, NCWRP has two 14-digit hydrologic units in which to work with the local community to develop a Local Watershed Plan. This hydrologic unit consists of: *(list)*

Purpose of Local Watershed Planning Process:

The Local Watershed Planning Process, initiated by the State through the NC Wetlands Restoration Program (NCWRP), is unique in that local community members are asked to help direct state resources that will be spent in their watershed. The framework of the Local Watershed Planning process allows stakeholders to use the state as a technical and funding resource to work toward developing and implementing local recommendations. NCWRP truly feels that this is how good resource planning occurs and that water quality improvement can not occur without local understanding of the issues and solutions. While the Division of Water Quality, as well as other agencies within the Department of Environment and Natural Resources, collects good data, the insight and experience brought to the Local Watershed Planning process by local citizens and groups is irreplaceable and in some cases more valuable than the data. NCWRP is better able to serve NC citizens by empowering them with the expertise and resources to make a difference in the quality of water in their own communities. Stakeholders have a vested interest in working toward water quality improvement within the watersheds they live and work for their own health, safety and enjoyment.

Purpose of the Team

The primary purpose of the Watershed Planning Team is to develop watershed improvement and protection recommendations for the watershed. To help develop these recommendations, the team will also provide input at integral points during the watershed assessment process as outlined below.

Team Tasks

1. Selecting stream segments and specific sites: There will be points at which the contracted consultant will need guidance in selecting subcatchments, stream segments and specific sites within the watershed to pursue more detailed information. Because cost limits the number of catchments, stream segments and sites that can be evaluated, local expertise and stakeholder involvement is important to help narrow the areas of focus.

2. Local landowner interactions: Local participants can promote the process by assisting with landowner contacts within their neighborhoods and communities to help allow for voluntary assessment and monitoring activities within the watershed. Please note that these efforts are all voluntary and are not part of any wetlands or Clean Water Act regulatory enforcement.

3. Helping identify feasible restoration projects: The assessment prepared by the contracted consultant will generate a number of project implementation options. NCWRP will need help identifying those options that are most feasible for wetland, stream and riparian buffer restoration. The Team can help answer questions such as: Does a project make sense here? Does anyone know the community or local landowners here? What types of outreach initiatives do we need to provide to involve this community in a project? These are all questions, which will require local expertise and input.

4. Helping identify non-traditional watershed restoration strategies. In addition to "traditional" stream and wetland restoration projects, the technical consultants will be identifying opportunities for other watershed protection/improvement methods. Some of these include storm water BMPs (best management practices) such as constructed wetlands and detention basins, and non-structural tools such as ordinances relating to stream buffer protection, sediment & erosion control, etc. NCWRP will need your help to identify those non-traditional watershed protection tools that are most technically, economically, and politically feasible within this watershed.

5. Helping identify conservation or preservation opportunities and contacts: NCWRP is also interested in potential enhancement, preservation, and conservation opportunities within the watershed and contacts stakeholders may have for input in project identification.

6. Helping identify additional funding assistance: NCWRP will also work with stakeholders to help identify other funding / technical assistance (state, federal and nonprofit) resources available to implement other project recommendations that will work to improve water quality within the watershed (beyond wetland, stream and riparian buffer restoration) throughout the planning process.

   NCWRP can not act as a grant sponsor / applicant on all projects proposed and implemented through this process. The stakeholders will need to take the lead on some of these projects.

7. Fitting projects into the development of an overall watershed restoration/protection strategy: Provide input on how various identified and ongoing projects fit into the larger watershed plan, and goals and objectives. As NCWRP, the contracted consultant and other state, federal, local government or nonprofit entities identify project opportunities throughout this process (before and after assessment completion), they will be presented to the Watershed Planning Team for consideration and suggestions / recommendations.

8. Involving local governments, constituents, and the community: The stakeholders also play a role in introducing and promoting recommendations and solutions to their local governments (as constituents) as well as other community entities who have not been directly associated with the Local Watershed Planning Process.

Authority of the Team

The Local Watershed Planning Team has the authority to provide technical guidance and direct input in the development of recommendations for the Local Watershed Plan.

Nature of the Final Product

The Watershed Planning Team will develop a report that contains a set of consensus based recommendations for protecting and improving water quality, habitat and water quantity issues in the watershed. If necessary this report will include a listing and description of issues where consensus could not be reached. Recommendations will be delivered to (list) as well as other appropriate organizations and government entities as necessary to achieve the team's goals. Although all recommendations will be a part of the final report, recommendations may be delivered to appropriate recipients throughout the process. For example, if the team were to agree to pursue a project with funding from a particular source, it would be prudent to act on those recommendations in compliance with application deadlines. This will be an active, on-going process driven by the team members.

Stakeholder Team Participants

The Local Watershed Planning Team consists of a broad range of stakeholders including Primary Team Members and technical advisors who represent various agencies and interests related to water quality, water quantity and habitat management in the watersheds described above.

Defined Roles and Responsibilities of Various Team Participants

Primary Team Members

Role: Primary Team Members are considered to be the people who have a seat at the table and directly participate in the process to develop recommendations for a viable Local Watershed Plan. These people represent the various interests within the watershed, i.e. agriculture, forestry, wildlife / habitat, local government, economic development etc. and are expected to participate in all meetings or send an alternate to represent their identified interest.

Responsibilities:

a. Attending Meetings

Each member of the Team or his/her alternate is expected to attend and fully participate in all meetings. In the event that a member and alternate are not able to attend a meeting of the Team, and the member is not in agreement with an action(s) taken by the Team during his/her absence, that member will register his/her dissatisfaction with actions taken at the beginning of the next meeting. E-mail may also be used between meetings to address such issues.

b. Member Alternates

In the event that a Primary Team Member cannot attend a meeting, an alternate may be chosen without concurrence of the team. Alternate representatives should be fully briefed by the Primary Team Member before attending any meetings. If both the Primary Team Member and their alternate attend the same meeting, both are welcome to participate in discussions, however, each stakeholder interest represented will have one voice in the decision-making process.

c. Constituent Representation

Team members will be expected to represent (1) themselves, (2) organizations to which they belong, or (3) coalitions of constituents. The team members will make representation explicit.

d. Keeping Constituents Informed

Members are expected to keep constituents informed through active, but informal means. Members will receive newsletters for keeping constituents informed. On request, the facilitators

will assist Team members to convene constituency meetings to enable a two-way exchange of information between the Team member and his/her constituency.

e. Withdrawal and New Appointments
If a Primary Team Member withdraws from the Team, a replacement may be appointed from the same organization without concurrence of the team. If the member is unable to appoint a replacement, the remaining Team members may appoint a new member from the same organizational category.

f. Preparing for Meetings
Team members shall read appropriate materials and arrive prepared to work. Materials presented for discussion must be distributed at least one week in advance of the meeting or as practical.

g. Project Responsibilities
Members of the team may also be asked to take the lead on identified projects NCWRP can not implement.

Technical Advisors

Role: Technical Advisors are considered to be the people who can provide technical support and expertise to the Primary Team Members with regard to various watershed characteristics and activities. In addition, Technical Advisors may present relevant issues for consideration in the identification of potential projects and with identifying potential agency / program funding.

Responsibilities: Technical advisors will provide information and raise issues that they believe are important for the team to consider. When necessary, technical advisors other than those already listed on the Team may be invited to attend meetings. They are encouraged but not required to attend all meetings and will not be party to the final decision-making with regard to Local Watershed Plan recommendations, but, recommendations from the technical advisors will be brought before the Primary Team Members for their review.

Support Staff

Role: Support staff are the individuals and agencies working to initiate, facilitate, organize, guide (through the development of technical information) and financially support the development and implementation of recommendations contained in the Local Watershed Plan.

Responsibilities of the Facilitators:
(Name facilitator and background)

During Meetings

The primary task of the facilitators is to guide the meetings of the Team and/or task teams within the team charter and ground rules. The responsibilities include managing the Team's agenda, keeping a visible record of the meeting, helping the team stay on task and on process, protecting team members and their ideas from attack, and helping members reach consensus. The facilitators will not express their views on any substantive issues and will be solely concerned with the process of the team.

If the facilitator needs to express his/her own views or provide technical information to the team, he/she should ask the team for their permission to "switch hats" before doing so. It is important for the facilitator to be clear about his/her role in the team's decision making process, and for the team to be comfortable with that role.

Outside of Meetings

Outside of meetings the facilitators will write and distribute a newsletter. Newsletters shall include an attendance record, a summary of actions taken at the meeting, and other information pertaining to the deliberations.

If requested, the facilitators will also assist Team members to communicate their constituencies, for example by helping Team member to convene informational meetings.

Agendas

At the end of each meeting, the Team will specify a tentative agenda for the following meeting. The Team will develop draft meeting agendas with the assistance of the facilitator prior to each meeting.

Decision Process

Use of Consensus

The Team will operate by consensus. Team decisions will be made only with concurrence of all members represented at the meeting. It will be the responsibility of the facilitator to assist the team in reaching consensus.

Consensus is the decision rule that allows collaborative problem solving to work. Consensus requires sharing of information, allows building of trust, which leads to mutual education and in turn provides the basis for crafting workable and acceptable alternatives. Consensus promotes joint thinking of a diverse group and leads to creative solutions. Also, because parties participate in the deliberation, they understand the reasoning behind the recommendations and are willing to support them. Consensus does not mean that everyone will be equally happy with the decision, but all do accept that the decision is the best that could be made at the time.

The team will reach consensus when it finally agrees upon a single alternative and each participant can honestly say:

- I believe that other participants understand my point of view
- I believe I understand other participants' points of view
- Whether or not I prefer this decision, I support it because it was arrived at openly and fairly, and it is the best solution for us at this time.

If Consensus Cannot be Reached

If the Team is unable to reach consensus on any component of the final recommendations, the pros and cons of the decision will be presented to decision makers. After this presentation if consensus still can not be reached, the lack of consensus will be noted and the points of disagreement will be documented in the final report.

Ground Rules

In order to have the most efficient and effective process possible, the following ground rules are required, Team members agree to:

1. Make every effort to attend the meetings. In some cases, it may be helpful to bring additional staff members with special expertise at different parts of the process.
2. Treat each other with respect at all times and put personal differences aside in the interest of a successful team.
3. Stick to the topics on the agenda, be concise and not repeat themselves.
4. Speak one at a time.
5. Work as team players and share all relevant information.
6. Ask if they do not understand.
7. Openly voice any disagreement with other members.
8. Look for mutually beneficial solutions.
9. Follow through on their commitments.
10. Share information discussed in the meeting with the appropriate people in the team they are representing.
11. Encourage freethinking and the sharing of all ideas.
12. Commit to issues in which they have an interest.

Input From and Information to the Public

The Team is intended to be representative of the public through the members' own organizations or affiliations, as well as through their work with coalitions of groups. All Team meetings are open to observation by the public. A public comment period may be provided at meetings of the Team. Summaries of Team meetings will be available to the public upon request.

Members of the press are welcome to attend Team meetings. Team members will not address specific positions held by other Team members, or negatively characterize other Team members in the media.

Schedule and Duration

The Team will meet as often as once a month at times and locations of their choosing.
(State how long process will last, and give a overall timeframe and list of accomplishments.)

During the stakeholder process a consulting firm (name) will undertake a technical assessment of the watershed. The consultant will share information and data with the team on various occasions. The consultant will also get feedback from the team on the direction of their study.

Changes to the Charter

Changes to the charter can be made at any meeting of the Team through a consensual procedure.

COLLABORATIVE WATERSHED PLANNING IN NORTH CAROLINA

Working Together to Find Solutions That Work!

COLLABORATIVE PROBLEM SOLVING

Searching for solutions to water quality problems can lead to difficult choices. When working in a group it is easy for each person to focus his or her attention on a favorite solution. Then when you discuss options, each group member gets locked into defending their own position. Little attention is given to understanding the interests behind the positions. In such a contentious atmosphere the choice you face will likely lead to a win/lose outcome, an impasse, or a compromise that satisfies neither side.

In contrast, a discussion that allows for an understanding of each party's underlying interests:

- Moves people away from contending positions
- Promotes mutual education
- Allows a cooperative atmosphere to develop
- Encourages the generation of many options
- Permits the search for a creative solution

PRINCIPLES OF COLLABORATIVE PROBLEM SOLVING

One of the most effective ways to solve a public issue is through a collaborative process. Collaboration is an inclusionary process that promotes lateral communication and shared decision-making. The following principles[1] have been identified from case studies of successful processes:

- **Purpose-Driven.** People need a reason to participate in the process.
- **Inclusive, Not Exclusive.** All parties with a significant interest in the issue should be involved.
- **Educational.** The process relies on the use of the best available information and allows for collaborative inquiry.
- **Voluntary.** The parties who are affected or interested participate voluntarily.
- **Self-Designed.** All parties have an equal opportunity to participate in designing the process. The process must be explainable and designed to meet the circumstances and needs of the situation.
- **Flexible.** Flexibility should be designed into the process to accommodate changing issues, data needs, political environment, and programmatic constraints such as time and meeting arrangements.
- **Egalitarian.** All parties have equal access to relevant information and the opportunity to participate effectively throughout the process.
- **Respectful.** Acceptance of the diverse values, interests, and knowledge of the parties involved in the collaborative process is essential.
- **Accountable.** The participants are accountable both to their constituencies and to the process that they have agreed to establish.
- **Time Limited.** Realistic deadlines are necessary throughout the process.
- **Achievable.** Commitments to implementation and effective monitoring are essential parts of any agreement.

SEEKING CONSENSUS

Consensus is the decision rule that allows collaborative problem solving to work. Consensus prevents the decision from being driven entirely by power politics. It allows people to build trust and share information, especially under conditions of conflict. Consensus does not mean that everyone will be equally happy with the decision, but rather, all will accept the decision. It is not realistic for groups to require that all decisions be made by consensus. Groups that require unanimous agreement risk being held hostage by a demanding member. Instead, groups should seek consensus; they should go the extra mile to find solutions that meet the interests and concerns of everyone. If an agreement cannot be reached – if consensus cannot be achieved – each participant is free to exercise his or her next best alternative to a negotiated outcome.

MISCONCEPTIONS ABOUT CONSENSUS

Many people are reluctant to engage in consensus decision-making, often because of some common misconceptions about what they have to give up.

"I will give up authority" Decision-making authority of senior managers, elected and appointed officials, and others is crucial to the consensus decision making process. The fear of giving up authority in order to reach agreement is unfounded. Unless the stakeholders support the agreement, there won't be one. This includes those who need to maintain their decision-making authority.

"I will be pressured to betray my constituents" Most people believe that consensus means compromise, and that everyone must sacrifice what they need in order to reach agreement. This is not true. Consensus agreements reflect outcomes that are better for each stakeholder than his or her next best option. Stakeholders are free to walk away if they cannot get what they need through negotiation.

"I will have to help my enemies" You are negotiating to meet your own interests. The most effective means of meeting your own interests is often to assist the other parties get what they need as well. The goal of consensus building is to get what you need, not to injure the other side.

"I will be forced to abandon my principles" Every participant is free to disagree with whatever is being proposed during a discussion. This is true even if you can't express exactly why you are not happy with a decision.

PRINCIPLES OF CONSENSUS

- Everyone must actively participate
- All group members must have a common base of information
- The group must create an atmosphere in which everyone feels free to state his/her views and to disagree
- Disagreements must be respected; they can illuminate unrecognized problems and serve as a catalyst for improving the decision
- When someone disagrees, the goal of the group is to discover the unmet need that has produced the objection and to find a way to meet that need in a revised agreement.

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[1] Ten principles of collaborative problem solving can be found in Building Consensus for a Sustainable Future: Putting Principles into Practice by Gerald Cormick, et al., National Roundtable on the Environment and the Economy, Ottawa, Canada, 1996. The eleventh principle, "Educational" was added by the author.

COLLABORATIVE WATERSHED PLANNING IN NORTH CAROLINA

Working Together to Find Solutions That Work!

Searching For Agreement

Finding solutions to water quality problems that work for everybody is not an easy task. As a member of a watershed coalition, you will be working with others whose concerns, needs, interests, and values may be very different from your own. Yet, you are being asked to deliberate important issues and come to solutions that work well for all water users. How can you get your needs and interests met while at the same time allowing others to do the same? The answer is by engaging in "Principled Negotiation."

As described by Roger Fisher and William Ury in their book "Getting to Yes, Negotiating Agreement without Giving In" (Penguin Books, 1991) principled negotiation is based on four very sensible negotiation activities. By working through each activity, you are more likely to reach a wise, workable, and honest agreement that is acceptable to all. The four points of principled negotiation are:

① **Separate the people from the problem**
- Be hard on the problem, soft on the people
- Put yourself in their shoes
- Discuss each other's perspectives
- Listen to what they say

② **Focus on interests, not positions**
- Identify interests by asking why and why not
- Talk about your interests, make them real

③ **Identify options for mutual gain**
- Separate inventing from deciding
- Brainstorm
- Look for shared interests

④ **Evaluate options using objective criteria**
- Criteria that are independent of each other's will
- Frame each issue as a search of objective criteria

THE NEGOTIATION PROCESS

Principled negotiation is used in a group process that is both planned and flexible. The planning component means that the group has established procedures that will guide its deliberations. Flexible means that the process must be able to accommodate changing issues, data needs, the political environment and other dimensions of group decision-making. The negotiation process can be thought of as progressing along several steps starting when the group first convenes, and ending when the group reaches an agreement, carries it out, and makes arrangements for continued dialogue.

❶ **Establish procedures**
- With the whole group, develop meeting ground rules and protocols Formalize them in a charter

❷ **Educate each other**
- Share concerns related to the topic
- Identify what is given
- Identify what is understood
- Identify and share interests -- reasons, needs, concerns and motivations underlying participants' positions -- rather than assert positions

❸ **Define the problem**
- Define the present situation
- Define the desired future

❹ **Specify information needs**
- Identify technical background information that is pertinent to the issue
- Identify information that is available and information that is needed
- Agree on methods for generating answers to relevant technical questions, or a path to follow even if no technical consensus exists

❺ Educate each other (again, and whenever it is needed)

- Field trips
- Collecting data/soliciting reports
- Briefings
- Interviews

❻ Generate options

- Use task forces for larger groups
- Bring in the public
- Brainstorm
- Use expert opinion
- Don't...
  ✗ Prejudge each other's ideas
  ✗ Search for a single answer
  ✗ Assume a fixed pie
  ✗ Think that solving their problem is their problem

Develop criteria for option evaluation

- Feasibility
- Fairness
- Efficiency

Evaluate options

- Priority matrix
- Goal achievement

Reach agreements

- Building block
- Single text
- Agreement in principle

Develop a written plan

- Document areas of agreement to ensure a common understanding of the participants' accord
- Develop a plan of action: what, how, when, where, who

Once an acceptable solution has been identified,
it must be approved and implemented by all responsible parties.

Ratify the agreement

- Parties get support for the plan from organizations that have a role in carrying it out.
- Each organization follows its own internal procedures as it reviews and adopts the plan.

Integrate the agreement into the public decision-making process

- Governing bodies and agencies not directly included in the process have been kept informed during earlier phases of the process.
- Plan is considered and acted upon by the relevant agencies and governing bodies for implementation.

Implement the agreement

- Maintain communication and collaboration as the plan is carried out.
- Monitor your results.
- Renegotiate, if necessary.
- Celebrate your success.

REACHING AGREEMENT

Tactics that Prevent Agreement

- Staking out extreme positions
- Withholding information
- Making little effort to learn the interests of others
- Trading small concessions

Methods that Promote Agreement

Preparing to reach consensus

- **Understand the purpose of negotiation –** The purpose of negotiation is not necessarily to reach agreement. Agreement is only one means to an end. Rather the purpose is to explore whether you can satisfy your interests better through agreement than you could by pursuing your best alternative to a negotiated agreement (BATNA).

- **Understand your concerns and interests –** What is most important to you, and why?

- **Try to understand the concerns and interests of other parties –** What might be most important to them, and why? What perceptions so they have that may complicate the issue?

- **Clarify your BATNA and make a preliminary assessment of theirs –** What options do you have if you can't get what you need through negotiation? What options do they have?

- **Understand options that might solve your concerns and be acceptable to other parties –** What kind of outcome do you want? What kind of outcome do they want? Do solutions exist that will satisfy you and them?

Creating mutual gains

- **Explore interests –** Express your needs and concerns and learn the needs and concerns of others.

- **Engage in joint fact-finding –** Identify questions of fact that you need to answer to better understand the problem, or evaluate a solution.

- **Invent options without committing –** Brainstorm proposals to satisfy the issues under discussion, without the pressure of having to agree at this stage. Start each proposal with "What if..."

- **Create packages –** Once you have identified options that satisfy the interests of all or most stakeholders then assemble them in an agreement "package". A package is a set of proposals that addresses the issues that are the focus of your work. Assembling packages enables stakeholders to make tradeoffs among issues, ensuring that each person is able to meet their most important interests. Each proposal may not have unanimous approval, but the group supports the package as a whole.

LEVELS OF CONSENSUS

As you discuss and evaluate proposals it is easy to get stuck if your only choices are to either accept or reject each proposal offered. Not everyone will agree (or disagree) to a particular proposal with the same level of enthusiasm. The group must discover how each member feels about each proposal. If some group members disagree with the proposal, the group must work to discover the unmet need that has produced the objection and to find a way to meet that need in a revised proposal.

Eight-Point Scale

When checking for unanimity, Kaner, et al (*Facilitator's Guide to Participatory Decision-Making*, by Sam Kaner, New Society Press, Philadelphia, 1996.) suggest using an eight-point scale that assesses the possible gradients of agreement among participants. The scale allows participants to communicate their intentions more clearly, permits a clearer assessment of the degree of agreement that exists, and allows participants to register their dissatisfaction without holding up the rest of the group. The eight-point scale is presented below:

1. Endorsement *(I like it)*
2. Endorsement with a Minor Point of Contention *(Basically, I like it)*
3. Agreement with Reservations *(I can live with it)*
4. Abstain *(I have no opinion)*
5. Stand Aside *(I don't like this, but I don't want to hold up the group)*
6. Formal Disagreement, but Willing to Go with Majority *(I want my disagreement noted in writing, but I'll support the decision.)*
7. Formal disagreement with Request to Be Absolved of Responsibility for Implementation *(I don't want to stop anyone else, but I don't want to be involved in implementing it)*
8. Block *(I won't support the proposal)*

The scale allows precise interpretation of support for a decision, from enthusiastic support, through luke-warm, to ambiguous support. Everyone can judge whether the degree of support warrants continued action.

Five Finger Scale

A more abbreviated scale that allows a show of hands is a five finger scale. Participants show by the number of fingers they hold up their level of agreement to a given proposal:

1 Finger: Endorsement *(I like it)*

2 Fingers: Endorsement with a Minor Point of Contention *(Basically, I like it)*

3 Fingers: Agreement with Reservations *(I can live with it)*

4 Fingers: Stand Aside *(I don't like this, but I don't want to hold up the group)*

5 Fingers: Block *(I won't support the proposal)*

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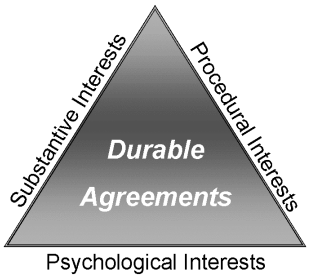
COLLABORATIVE WATERSHED PLANNING IN NORTH CAROLINA

Working Together to Find Solutions That Work!

Reaching Agreement

Substantive, procedural and psychological interests must be satisfied if the parties in a negotiation hope to achieve a durable agreement. Like a three-legged stool, the three types of interests form the basis of the negotiated agreement. If any one of the interest types is not fully satisfied, the agreement may very well collapse under future pressure. These interests are elaborated below.



Substantive	Procedural	Psychological
Most parties enter a negotiation to get something. Although their ideas about their interests may change over the course of the negotiation, they need to come away with some sense of substantive satisfaction; a sense that they got what they came for.	Even if they get what they want, parties will not be satisfied if they think that the process was not fair. This is a subjective assessment, but a powerful one. In particular, if a party thinks the procedure was irregular, the party may distrust others and work against implementation of the agreement.	Everyone needs to feel heard and respected. Should a party feel he or she was not adequately heard during the discussions, the agreement may not prove durable. Poor relationships that develop in the negotiation will overshadow otherwise acceptable results.

WORKABLE AGREEMENTS[1]

Workable agreements are FAIR when:

- The process is open to public scrutiny
- All groups who want to participate are given the chance to do so
- All parties are given access to the technical information they need
- Everyone is given an opportunity to express his or her views
- The people involved are accountable to the constituencies they represent
- There is a means for due process complaints to be heard at the conclusion of the deliberation

Workable agreements are EFFICIENT when:

- A climate for collaboration is made possible
- Parties have the opportunity to work toward win/win solutions
- The process is expedient yet fair

Workable agreements are WISE when:

- " Advocacy science" is avoided
- The most relevant information is brought to the table
- All parties participate in an effort to minimize the risk of being wrong

- An environment is created that accommodated the best possible technical evidence, regardless of which "side" that evidence supports
- An environment is created that allows for a "collaborative inquiry"

Workable agreements are STABLE when:

- The agreement is feasible and can be carried out
- Commitments made by each party are realistic
- Parties take responsibility for cultivating support for the agreement from their constituencies
- Parties take responsibility for meeting all restrictions and protocols specific to their own organizations
- Time tables for implementation are realistic
- Provisions are made for re-negotiation
- Good working relationships among the parties are fostered

FORMS OF AGREEMENT

Groups often view an agreement as valid only if it addresses the substantive issues at hand. Anything else might be considered failure to reach agreement. On the contrary, valid agreements can range from very strong substantive agreements, to weaker provisional, procedural agreements. As long as avenues remain open for future negotiation, agreements can be strengthened.

Stronger Agreements	Weaker Agreements
Substantive: Focuses on specific, tangible exchanges that are made.	**Procedural:** Defines the process to be used in making the decision.
Unconditional: Defines how the dispute will be resolved without the requirement of any future conditions.	**Contingent:** Agreement involving a conditional sequence of actions.
Binding: Requires a party to uphold the terms of the settlement specifying consequences for not following through.	**Non-binding:** Agreement constitutes a set of recommendations or requests to which the parties need not adhere.
Permanent: A lasting agreement that is unalterable	**Provisional:** A temporary agreement that may be subject to future change.
Comprehensive: Agreement that covers all disputed issues.	**Partial:** Agreement on only a portion of the issues under dispute.

[1]These characteristics of workable agreements can be found in Breaking the Impasse: Consensual Approaches to Resolving Public Disputes by Lawrence Susskind and Jeffrey Cruikshank, New York: Basic Books, 1987.

[2]Roger Fisher and William Ury in their book, Getting to Yes: Negotiating Agreement Without Giving In, 2nd Edition, New York: Penguin Press, 1991, list several more pairs of adjectives describing agreements of different strengths.

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ORANGE AUCTION

In this exercise three companies attempt to secure sufficient amounts of a raw input (oranges) in order to make enough of each product to remain in business.

Procedure:

1. Divide the class into three groups. Situate the groups so that they can talk without easily being overheard by the other groups.
2. Give the participants in each group one of three sets of written instructions. One group will be assigned the role of the Adams Company, the second group will be the Baker Company, and the third group will be the Carter Company. Have them silently read their instructions.
3. Instruct the group that you will be auctioning ten oranges. You will auction one orange at a time. Each orange will go to the highest bidder at the end of each round. There are no more oranges available for sale anywhere. You will begin the auction in 3 minutes. Encourage each group to develop a strategy of how they are going to bid, etc. You have no more instructions at this time.
4. Begin the auction at the time specified. Auction each orange one at a time. Record on a blackboard or flip chart how much each company owes the auctioneer at the end of reach round. Do not pause longer than necessary between each round. If asked any questions about procedure, repeat the instructions given in item 3 above. You are merely the auctioneer.
5. At the end of the 5th round, there should be sufficient anxiety building in the room. Suggest a 3-minute break to allow the groups to confer on strategy. If asked if the groups can talk to one another, respond with "I am merely the auctioneer."
6. Resume the auction at the time specified. If it is obvious that the companies are working together, you can save time by auctioning several oranges at a time.

Debrief:

If the companies did not work together:

1. Ask each group to say how many oranges they needed to stay in business. If they did not succeed in reaching their goal, announce that they are out of business.
2. Ask each group what product they are in the business of producing. If they are still missing the point, ask what part of the orange they need.
3. Ask what stopped them from working together. What assumptions did they make? How did those assumptions stop them from getting what they needed? Do they make the same assumptions in other conflict situations?
4. What did they learn from the exercise?

If the companies worked together:

1. Make sure everyone knows what each company was producing, and the part of the orange each company needed. Frequently a few people have it figured out while others have not.
2. Ask what made them decide to work together? What assumptions had to be tested and overcome? Was it the actions of one or two people? Did some resist the overtures to work together? Did all companies participate? If not, why? Was trust an issue? If so, how did you deal with the trust issue?
3. What did they learn from the exercise?

Confidential Instructions to the Adams Company.

You make orange juice. You will buy a one-month supply of oranges at an upcoming auction. This is the only place you can purchase oranges. To be able to break even, you must purchase at least seven (7) oranges. You have one dollar ($1.00) to spend on these oranges. Your goal is to maximize your profits as a company. You have five minutes to plan a strategy with your company to get at least seven oranges for the minimum price. You have already invested considerable money for the equipment to manufacture your product. If you cannot get enough raw materials to make a profit or at least break even, you will have to go out of business.

Confidential Instructions to the Baker Company.

You make orange potpourri (a mixture of orange peels, dried flower petals, and spices used to scent the air). You will buy a one-month supply of oranges at an upcoming auction. This is the only place you can purchase oranges. To be able to break even, you must purchase at least seven (7) oranges. You have one dollar ($1.00) to spend on these oranges. Your goal is to maximize your profits as a company. You have five minutes to plan a strategy with your company to get at least seven oranges for the minimum price. You have already invested considerable money for the equipment to manufacture your product. If you cannot get enough raw materials to make a profit or at least break even, you will have to go out of business.

Confidential Instructions to the Carter Company.

You grow tropical and semi-tropical plants. You already grow lemons and grapefruit. Due to a blight that has wiped out lemons and grapefruit, this year you are expanding to grow oranges. You will buy a one-month supply of oranges at an upcoming auction. This is the only place you can purchase oranges. To be able to break even, you must purchase at least seven (7) oranges. You have one dollar ($1.00) to spend on these oranges. Your goal is to maximize your profits as a company. You have five minutes to plan a strategy with your company to get at least seven oranges for the minimum price. You have already invested considerable money for the equipment to manufacture your product. If you cannot get enough raw materials to make a profit or at least break even, you will have to go out of business.