

The Mediator

A PUBLICATION OF THE INSTITUTE FOR ENVIRONMENTAL NEGOTIATION (IEN)
 AFFILIATED WITH THE DEPARTMENT OF URBAN & ENVIRONMENTAL PLANNING, SCHOOL OF ARCHITECTURE, UNIVERSITY OF VIRGINIA

New Leadership Program Will Address Virginia's Natural Resources

A new program designed to help Virginia's leaders in the public, private and nonprofit sectors resolve conflicts over environmental issues will kick off its first year-long program at the end of September. The new Virginia Natural Resources Leadership Institute is a partnership effort between the University of Virginia, Virginia Tech and the Virginia Department of Forestry.

The project team includes **Frank Dukes** and **Tanya Denckla** of IEN, **Bettina Ring** Deputy State Forester of the Virginia Department of Forestry, and **Mike Ellerbrock**, Director of the Center for Economic Education at Virginia Tech.

"There are all types of conflicts in Virginia, and as painful as they are, there's also room for growth and new ways of thinking," said Ellerbrock.

The program is funded in part by a grant from the Urban and Community Forestry program and tuition fees. The yearlong program starts in late September and will include six seminars and training workshops held at various locations across Virginia.

Topics will change at each session, and some will include field trips. Participants will learn about processes and strategies to resolve problems and conflicts, personal communication, public policy and decision-making, natural resources in Virginia, and related issues. Each session will focus on a different natural resources issue, ranging from tobacco and public health concerns, water quality, coal mining and forestry, to growth, sprawl, and more.

The first class of Institute Fellows in September will bring together nearly 30 people from all levels of environmental work - private, nonprofit, and local, state, and federal government.



Rich Collins (left) prepares for an overflight of chip mills in Southwest by members of the legislative study committee on chip mills, with Jim Hileman, pilot Susan Lapis, Bill Braunworth, and Delegate Mitch VanYahres (right).

Bi-State Blue Crab Committee Moves Closer to Bay Wide Strategy

The Bi-State Blue Crab Advisory Committee (BBCAC) continues to explore options for protecting the Blue Crab in the Chesapeake Bay. The two-year consensus building process seeks to review and adapt management strategies to address lower crab harvests in recent years. **Facilitated by Richard Collins**, with assistance from **Karen Firehock**, the IEN has also enlisted the facilitation services of **Jack Greer** of the Maryland Sea Grant at the University of Maryland. The Virginia Sea Grant program has also supported the effort by funding a separate report, which will describe the decision-making process.

A bay-wide survey of watermen attitudes, effort and

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Transitions

By Dr. Richard Collins

Dr. Frank Dukes has been appointed as the new Director of the Institute for Environmental Negotiation. This presages both new promise and reassuring continuity. I'd like to briefly memorialize this shift with a little reminiscence and commentary.

It was over 20 years ago when I went to the Dean of the School of Architecture and told him that Gerald McCarthy of the Virginia Environmental Endowment was interested in the then virtually unknown practice of environmental mediation. I told the Dean that after some pilot studies that I had participated in, Gerry would entertain a proposal to create such a capacity in the Commonwealth. He had suggested that his Board might support multi-year "venture social capital" if a credible proposal could be prepared by the University.

"Credible" meant not only a proposal that made sense, but also that the University would become a "strategic

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On-Site Septic Regulations Get Fresh Look By Stakeholder Panel

Should the Virginia Department of Health continue to inspect all new on-site septic systems? Or should the emerging cadre of newly certified Authorized Onsite Soil Evaluators (AOSEs) be charged with inspecting the installation of the onsite septic systems that they have designed? These and other difficult questions were addressed by a stakeholder Advisory Committee, convened in April 2000 by the Virginia Department of Health.

Facilitated by IEN's **Tanya Denckla**, assisted by **John Hoover**, the 22-member Advisory Committee met for six all-day meetings to discuss and debate how best to protect public health and minimize the need for remedial action, while reducing permitting delays. At the conclusion of its work in August, the Advisory Committee submitted to the VDH 22 consensus recommendations for the new AOSE program and permanent regulations.

The Committee's recommendations address how to make this new system work, including requirements for AOSE certification and training, AOSE access to information, application forms, final inspections by the VDH, continuing consulting relationship between the VDH and AOSEs, and maintenance of onsite systems. For more information, contact **Allen Knapp** at the VDH: 804/ 225-4029.

Public Involvement for Forest Legacy

Virginia is one of the first southern states to initiate a new program called Forest Legacy, which aims to protect and conserve important forests that are threatened by conversion to non-forest uses. Led by the Virginia Department of Forestry (VDOP), Forest Legacy will be an important tool for preserving Virginia's forests during the anticipated growth in coming years. The federal funds may be used for purchase of conservation easements of important forest land. Criteria and priorities for eligibility are being established with assistance from the public.

Asked to facilitate the public participation process, IEN's **Tanya Denckla**, assisted by **John Hoover** and **Nan Peterson**, first established a stakeholder advisory committee to design the overall process. Seven "Focused Public Discussions" were then held across the state to which the general public and a number of specific stakeholders were invited to give input on Forest Legacy objectives. Perhaps the most important consensus recommendation emerging from public discussions was that the entire state should be eligible for Forest Legacy assistance, in contrast with other states that have chosen to confine Forest Legacy to specific regions. The program should be running by early 2001. For more information, contact **Mike Foreman** at DOF: 804/ 977-6555.

The Southern Tobacco Communities Project – A Time of Transition

The end of one phase of funding for the Southern Tobacco Communities Project (STCP) could be just the beginning of another. The first phase brought together leaders in public health, tobacco farming, and community development from six southern tobacco-growing states. This unusual and sensitive dialogue was instrumental in making the fate of rural tobacco farmers an issue in the tobacco settlement.

The next phase of the project is likely to involve a visioning effort for southside Virginia, as well as further dialogue efforts among and within the six southern states. IEN's **Frank Dukes**, assisted by **Rich Collins** and **Tanya Denckla**, has facilitated the discussions to date. He now will also be responsible for managing the second phase project grant from the Robert Wood Johnson Foundation.

Crabs, continued from page 1

environmental practices, prepared for the project by Virginia Commonwealth University, is being utilized to merge new management options with economic outcomes for the fishery. This will allow projected impacts of any proposed regulatory changes to be considered in the deliberations. IEN has used these surveys, along with stakeholder interviews and research of fishery management options, to help facilitate discussions of new management approaches.

A poor harvest this summer led to increased awareness of the need to sustainably manage the crab, as well as increased calls for a new approach. Scientists and economists are currently collaborating on parameters for a sustainable harvest and ways to improve monitoring and management of the crab in the future. Recommendations will be forthcoming by early winter.

Guidance for Environmentalists

IEN has been awarded a grant by the Hewlett Foundation to lead the development of guidance for environmental participants in community collaborative efforts. Partners include **The Wilderness Society** and the **National Audubon Society**. In Spring 2000, IEN and its partners convened two national meetings of environmental advocates to identify their concerns and interests in collaborative processes. The national partners then convened a 10-person advisory group meeting in Tucson, which will shape the contents of the guidance effort. Spirited discussion has attended all sessions, as environmental advocates attempt to sort out the appropriate role and best practices for collaborative processes. **Frank Dukes** and **Karen Firehock**, assisted by **Rob Kurtz**, will complete a draft guidance by the end of 2000.

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partner” by committing important resources of its own to the venture. The connection to architecture, or even to urban and environmental planning wasn’t obvious at that point. Dean Bosserman made the commitment and I have taken more than my share of credit for this by becoming the founding Director.

The partnership between the University of Virginia and the creative and sustained philanthropy of the Virginia Environmental Endowment was consummated, it endures, and it has made a discernible contribution to the Commonwealth’s environment. Because IEN’s establishment came early in the development of environmental mediation and alternative conflict resolution, and because we worked hard, IEN is a respected leader in the field today.

Dean Bosserman allowed me to reduce my teaching load so that I could carry out the commitment we had undertaken. Part of the VEE “venture capital” funds would pay for teaching replacements for courses that I would not teach, and I would step aside as the Chair of the Program in Urban and

Environmental Planning as well. Although I’ve taught continuously throughout the 20 years, I have taught very few undergraduate courses. That is going to change.

Bruce Dotson, who has been my partner from the beginning, is currently Chair of the Department of Urban and Environmental Planning where I hold the Lewis Professor Chair. He and our other colleagues in the Department have re-committed to quality teaching as the core of our mission. I will be part of that.

What makes this easy to do without any relaxation of the IEN’s mission is that the new Director, Dr. Frank Dukes, the author of the highly praised recent book *Reaching For Higher Ground*, has been the Associate Director for four years, and he promises to lead this effort.

So, the change in the Director’s job doesn’t mean that I’ll spend more time with my flyrod or canoe, in the rocking-chair with some of the grandchildren, or improving my backhand. But in addition to helping Frank, I’ll definitely be more visible in the classroom and on the word-processor.

Measuring Forest Sustainability

The United States is embarking on an exciting new chapter in forest management practices, thanks to a new initiative to measure and monitor indicators of sustainable forests. The Roundtable on Sustainable Forests is a diverse forum of government agencies, environmental organizations, timber products industries and universities, chaired by U.S. Forest Service to implement 67 internationally developed indicators of sustainable forests. Since many of these indicators require new methodologies and cooperative agreements among federal and state agencies and private groups, research and coordination among a wide diversity of partners is crucial.

The IEN’s **Karen Firehock** is assisting the **Meridian Institute** with involving stakeholders in this effort and in communicating the work of the Roundtable to a broad constituency. Over the summer months, IEN Associate **Rob Kurtz** analyzed and summarized the proposed measurement strategies for the indicators, and prepared them for public review. This effort will lead to a national report in 2003 on the sustainability of the nation’s forests and will serve as a benchmark for future improvements.

IEN Assists Virginia’s Communities

Visioning and Training

Frank Dukes continues to work with the **Town of Shenandoah** in its efforts to redevelop the Big Gem brownfield site. The initial visioning workshops were recently followed by workshops on conflict resolution and consensus building. These workshops will serve as a national

model for brownfields redevelopment, demonstrating how communities can increase skills to facilitate consensus building.

Consensus Building for Sustainability

Rich Collins and Tanya Denckla conducted a day-long workshop, “**Moving the Community from Confusion to Consensus**,” at the June *Advancing Community Sustainability* conference in Roanoke.

Public Involvement

Tanya Denckla and Karen Firehock, assisted by David Tipson, facilitated a second public involvement meeting about the siting and design of the new judicial complex for **Charlottesville and Albemarle County**. This meeting focused on the pros and cons of several site scenarios.

Strategic Planning

Karen Firehock facilitated a strategic planning retreat for the **Western Virginia Land Trust**, as well as for the **Virginia Conservation Network**. Tanya Denckla facilitated planning sessions for the **Fluvanna County Chamber of Commerce** and the **Virginia Water Monitoring Council**.

Public Meetings

In Spring 2000, Tanya Denckla facilitated a public meeting in **Culpeper** concerning the safety of the practice of spreading biosolids on farmland.

Watershed Planning

Under an EPA grant, IEN’s Karen Firehock, assisted by John Hoover, is developing a model forum for communities to develop watershed management plans. The first forum is slated for **Nelson County’s Rockfish River watershed**.

IEN Active In Our Larger Community

Director **Frank Dukes** assisted with the Lynchburg charrette and visioning workshop, and at the University has served on the Diversity Task Force among other committees. He has also been a guest speaker at Eastern Mennonite University, the Darden School, and the SPIDR Environmental Sector conference.

Founder **Rich Collins** completed his "Sesquicentennial" fellowship and is now focusing his efforts on exploring ways of integrating his mediation and consensus building experiences into new teaching curricula. "Six Thinking Hats" will never be the same again!

Senior Associate **Bruce Dotson** is a member of a team of local planners and consultants who are using a public involvement process and innovative modeling techniques to address land use and transportation issues in the eastern portion of the Thomas Jefferson Planning District Commission. Work is underway on a citizen's handbook for "livable communities."

Senior Associate **Tanya Denckla**, as a Board member of the Rivanna Conservation Society, has helped open the 100-acre Scheier Natural Area in Fluvanna County this fall. She continues to mediate family and other cases outside of IEN.

Senior Associate **Karen Firehock** assisted Charlottesville's Belmont Neighborhood with an ongoing project to redevelop a former railroad brownfield with housing and mixed uses. She also facilitated a community dialogue on options for land protection and conservation in Charlottesville.

Virginia Environmental Endowment Renews Support!

The VEE is providing continued support for IEN's initiatives in environmental dispute resolution in Virginia! The grant will support specific programs and activities to achieve educational goals and enhance environmental conflict resolution capacity in Virginia. IEN will focus its work on growth management, urban design and historic preservation, transportation, and other topics specified in the grant.

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