

**Scott T. McCreary, Ph.D.  
Principal, CONCUR, Inc.**

**HIGHER EDUCATION**

- 1989**     **Massachusetts Institute of Technology, Cambridge, MA.** Ph.D. Department of Urban and Regional Planning. Environmental Policy and Dispute Resolution Emphasis. Instructorship; National Institute for Dispute Resolution Fellowship.
- 1979**     **University of California at Berkeley.** Master of Landscape Architecture and Environmental Planning. Emphasis on use of technical information in Environmental Planning. Regents' Fellowship.
- 1976**     **University of California at Santa Cruz.** Bachelor of Art in Biology and Environmental Planning. Graduated Summa Cum Laude in both majors; College Honors.

**AREAS OF SPECIALIZATION**

- Stakeholder Involvement and Agreement-Focused Facilitation of Marine, Fisheries, Water Resources and Other Environmental Disputes
- Stakeholder Assessment and Joint Fact-Finding Processes
- Strategic Planning for Marine Resources Management / Dispute Resolution Systems Design
- Environmental Policy Analysis; Program Evaluation
- Analysis and Use of Technical Information in Environmental Planning and Policy

**KEY ACCOMPLISHMENTS**

- Co-founder and Principal of CONCUR Inc, a highly-regarded provider of services in environmental policy analysis and facilitation, mediation, and training
- While at MIT and Harvard's Program on Negotiation, co-managed a major national study to take stock of EPA's negotiation of Superfund settlements, and recommend ways to strengthen the agency's approach
- Convened and facilitated independent scientific review panels on the Ecosystem Restoration Program Plan, the Water Conservation Program and impacts of logging practices on water quality, supporting first ever-Watershed Wide Waste Discharge Requirements in California
- Mediated agreement on a revised flood control design for the Guadalupe River in Downtown San Jose, California, which broke a 40-year impasse over flood control; integrated flood protection with habitat restoration and recreation
- Designed and led training program in negotiation and joint fact-finding for the government ministries, NGOs, and tribal leaders from Angola, Namibia and Botswana working on transboundary water management for the Okavango River watershed
- Founder of the CONCUR Scholarship, which supports undergraduate students at UC Santa Cruz who wish to pursue thesis projects and careers in environmental conflict resolution
- Served as a member of an Independent Review Team from UC Berkeley to examine environmental impacts of oil and gas development in Pastaza Province, Ecuador jointly commissioned by UNOCAL, Oxfam America, and the Rainforest Action Network
- Facilitate unanimous consensus agreements for the NMFS Pelagic Longline and False Killer Whale Take Reduction Teams

## PROFESSIONAL EXPERIENCE

### 1989-Present CONCUR, Inc., Berkeley, CA

*Co-Founder and Principal.* Services in the environmental dispute resolution arena have included agreement-focused mediation and facilitation of public policy dialogues, dispute resolution systems design, stakeholder analysis and conflict assessment, neutral fact-finding, and case evaluation. Services also include environmental policy analysis, natural resource planning, strategic planning, conflict management and negotiation training. Clients and parties to CONCUR-mediated negotiations have included national, state and local government agencies, the private and NGO sectors in the U.S. and abroad working across a very wide range of complex environmental issues.

Selected CONCUR Clients have included:

#### **International Pacific Halibut Commission Performance Review**

CONCUR was hired in November 2011 to lead an independent Performance Review of the International Pacific Halibut Commission to build upon the Commission's work to-date and ensure its continued relevance and effectiveness. The review – part of an ongoing international practice to assess regional fishery management organizations – is expected to generate a focused report that will assess recent performance of the Commission relative to achievement of the goals set out in the Treaty and its various amendments over the past decade. The goals of the review are to: Identify effective practices already used by the Commission and highlight opportunities to incorporate best practices and new approaches and to consider, in particular, opportunities to strengthen Commission governance, including stakeholder involvement, information sharing, policy development, decision-making processes and general Commission practices. CONCUR is expected to issue the final report in April 2012.

#### **NMFS Rights Based Management Workshop**

CONCUR has been retained to co design and facilitate the upcoming *Workshop Addressing Uncertainties in Rights Based Management Schemes for Domestic Fisheries for the National Marine Fisheries Service*. As national fishery management efforts are trending towards rights-based fishery management programs, these programs are not without concerns about potential adverse socioeconomic impacts associated with ownership consolidation, loss of employment and income, decreased labor mobility, prohibitive entry costs, loss of fishing rights from small communities and other distributional inequities. Many times, the uncertainty revolving around these issues preclude efforts to move into right-based management schemes. This workshop aims to address those issues in an open and inclusive forum and help define areas of uncertainty. CONCUR has worked with NMFS convenors to develop workshop goals and objectives, target suitable participants, frame organizing questions, and structure panels of presenters, and design a format that includes a mix of plenary presentations and small group discussions. The invitation-only workshop, to be held in April 2012, will include about 35 to 40 participants from the fishing industry and NMFS. CONCUR will facilitate the workshop, including chairing plenary sessions, and synthesizing results of small group discussions and will then prepare a final report of recommendations for moving forward with rights-based fishery management.

#### **Adaptive Management for the Guadalupe River Flood Control Project**

CONCUR facilitated the Guadalupe River Flood Control Project from 1997-2002, and is now involved in the project's ongoing Adaptive Management Team. CONCUR convened and facilitated the annual meetings of the AMT in April 2009 and 2011. Also, in Summer 2010, CONCUR convened a scientific panel and facilitated a series of meetings designed to resolve disputed issues surrounding the effectiveness of mitigation measures implemented to-date for the Guadalupe River Flood Control Project. Experts in riparian vegetation, geomorphology and fisheries management served on the Science Panel. CONCUR designed the joint fact-finding process the Panel used to clarify and narrow the disputed issues. The Panel's

deliberations resulted in full agreement on the findings and recommendations for each disputed issue, including improved metrics for anadromous fish rearing and spawning habitat and improved methods to monitoring vegetative cover and bank stability. With CONCUR's facilitation, the Science Panel's report was accepted by Management Committee comprised of senior management, policy and legal staff for the Santa Clara Valley Water District, the RCD and NHI. The Committee reached agreement on the desired framework for resolution of the disputed issues and directed the Science Panel to further refine its recommendations, which were then discussed in the Spring 2011 meeting.

#### **U.S. West Coast Swordfish Workshop: Working Towards Sustainability**

On May 10 and 11, 2011, CONCUR facilitated the U.S. West Coast Swordfish Workshop: Working towards Sustainability. The workshop, convened by the National Marine Fisheries Service in San Diego, California, was an exploratory dialogue with several objectives:

- Share information about the global demand relative to U.S. demand for swordfish products;
- Consider the global scale of ecosystem impacts from swordfish fisheries;
- Consider the broader ecosystem context of swordfish West Coast fisheries, including the consequences of curtailed swordfish West Coast fisheries for transfer effects and global capacity building;
- Understand the implications of declining swordfish West Coast fisheries, including the impact on coastal community jobs, producer benefits and consumers choices; and,
- Examine the extent to which U.S.-caught swordfish can contribute to regional and global environmental, social and economic sustainability.

The wide-ranging workshop brought together more than 70 participants with a diverse range of perspectives - from commercial fishing, fishery management and ocean conservation, to seafood consumers, suppliers, and restaurateurs. Workshop topics included the life history and population of swordfish, stock status, socioeconomic factors affecting swordfish fisheries and coastal communities, the interplay of swordfish fishing and ecological impacts, and consumer trends and perceptions.

#### **NOAA Fisheries Recreational Data Timeliness Workshop**

CONCUR facilitated a two-day meeting intended to generate concrete strategies for improving the timeliness of data used to manage recreational fisheries nationwide.

The meeting, referred to as the Recreational Data Timeliness Workshop and held March 15-16, 2011, in St. Petersburg, Florida, is compelling because fishery managers, recreational fishing interests and conservation interests all have a stake in the potential benefits of increased data timeliness. Focused on learning from experiences with recreational fishing data timeliness across the different NMFS regions, the workshop considered approaches to meet new demands for both data collection and management related to timeliness, and explored new strategies for improving data timeliness, looking at the details of both lag time and "waves" of reporting and the linkage to fishery management.

#### **Columbia River Gorge National Scenic Area Dialogue**

Between August and October 2010, CONCUR Principal Scott McCreary convened a phased dialogue focusing on improving land use decision-making for the Columbia Gorge National Scenic Area. The Gorge, a stunning natural resource with a canyon up to 4,000 feet deep, represents a hybrid approach to land use planning, as it emphasizes a federal interest while recognizing the importance of local authorities spanning two states and multiple local jurisdictions. The two-meeting dialogue brought together leadership of the Columbia River Gorge Commission and the Friends of the Columbia Gorge; the National Scenic Area Manager, US Forest Service; and senior natural resource policy advisors for the Governors of Oregon and Washington. Discussions centered on improving the tone and content of deliberations over Gorge decision-making, as well as recognizing, reaffirming and building on shared commitments to Gorge resource protection and management. The dialogue further identified specific steps to strengthen Gorge decision-making and substantive areas for joint

action, including completion of planning tasks and mobilization of a funding coalition. Based on the deliberations, parties are moving forward with a constructive joint strategy to accelerate progress on the Vital Signs Indicators Project, an effort to benchmark and monitor the environmental and economic health of the Columbia Gorge.

#### **Electronic Monitoring Committee Meeting of the National Observer Program**

CONCUR facilitated the September 2010 annual meeting of the Electronic Monitoring Committee (EMC), a standing advisory committee of the National Observer Program convened by the National Oceanic and Atmospheric Agency (NOAA). The three-day meeting held in La Jolla, California brought together representatives from the National Marine Fisheries Service's Headquarters office and from Science Centers and Regional Offices distributed around the US.

The meeting focused on the following primary objectives: 1) Determine the minimum requirements for an observer program's EM technology usage that can be applied at the national level; 2) Select one or two items of the action plan's long-term projects and pursue to completion within one year; 3) Identify commonalities between existing regional EM programs that can be standardized across all regional programs and used to improve their data collection/monitoring responsibilities; and 4) Identify a feasible technology that can be developed for widespread use as an example of our goals. The meeting's deliberations led to the development of key priority action items for the EMC to complete this year.

#### **NOAA Ocean Climate Summit**

CONCUR facilitated a NOAA Ocean Climate Summit at the California Academy of Sciences on June 3, 2010. The summit was convened to begin building an action plan and network of colleagues based on the recently released Ocean Climate Initiative report: *The Ocean Climate Initiative*, spearheaded by Gulf of the Farallones National Marine Sanctuary (GFNMS), addresses climate change impacts along the North-central California coast and ocean environment through fostering awareness, advocating solutions, and promoting action amongst government agencies, public organizations, private corporations, and individuals to build ecosystem resilience and sustainability.

#### **Facilitation of National Water Funders Forum**

CONCUR teamed with conveners from The Johnson Foundation at Wingspread to facilitate a three-day workshop among 27 leading grant-making organizations involved in national and regional water resource efforts. The meeting was convened from January 13 – 15, 2010 at The Johnson Foundation in Wisconsin. Participants shared their collective insights and identified opportunities to enhance funding strategies, leverage participation and achieve greater results. Deliberations considered lessons learned from various scales of ecosystem restoration projects and collaborative funding strategies with a focus on equity rights and the commons, agriculture, stormwater and green infrastructure, climate change and adaptation and the nexus between water and energy. The Forum considered the merits of utilizing joint priorities and to take next steps in building a platform for a shared community of work.

#### **National Marine Fisheries Service Take Reduction Teams**

*NMFS False Killer Whale Take Reduction Team.* CONCUR facilitated unanimous consensus on a Draft Plan, formally submitted on July 19, 2010 to the Pacific Islands Regional Office of the National Marine Fisheries Service (NMFS). The draft was finalized during the fourth of a series of meetings convened and facilitated by CONCUR beginning February 2010. The Draft Plan is grounded in several key recommendations. One recommendation calls for the mandatory use of circle hooks with a maximum wire diameter of 4.5 mm--a gear change that is expected to reduce the likelihood of hooking false killer whales, as well as increase the likelihood of a hooked animal being released without serious injury. Another aspect of the Draft Plan proposes closure of a seasonal area north and east of the main Hawaiian Islands, where longline fishing is currently allowed four months of the year. The aim of this proposed

closure is to protect both pelagic and insular false killer whales that may occupy the closed area. Team members agreed that the recommendations, taken together as a suite of actions, have a high likelihood of achieving the goal of reducing bycatch below PBR. The consensus Draft Take Reduction Plan will now be considered by NMFS as it develops proposed regulations, to be published in early 2011.

*NMFS Atlantic Take Reduction Teams.* CONCUR currently facilitates several other regulatory negotiations--three on the East Coast-- focused on reducing incidental bycatch of marine mammals in commercial fisheries. The work includes: (1) conducting detailed stakeholder assessments; (2) understanding and accounting for state, federal and international regulatory frameworks; (3) facilitating talks among fishermen, state and federal government agencies, conservationists, academics and researchers; (4) building consensus around and co-drafting emerging agreements; (5) providing ongoing strategic planning advice; and (6) informing outreach efforts to ensure the broader stakeholder community understands the underlying need for revised fisheries management practices. The draft rule for the Pelagic Longline Take Reduction Team was published in the Federal Register on June 24, 2008.

#### **NMFS False Killer Whale Biological Review Team**

Separately from the False Killer Whale Take Reduction Team, CONCUR facilitated the Biological Review Team for the Status Review of the Hawaiian Insular Stock of False Killer Whales, including deliberations of a six-member group of marine mammalogists, population biologists, and geneticists which evaluated two questions: whether the stock should be considered a Discrete Population Segment, and whether it should be considered endangered or threatened under the terms of the endangered species act. During its status review, the BRT considered a variety of scientific information, direct communication from researchers, as well as technical information submitted by NMFS. In its capacity, CONCUR devised proposed groundrules for the group, provided advice on their deliberative process (including the implementation of a straw voting procedure), and offered advice on the framing and presentation of the final analysis and its linkage to potential policy options. The final findings were published as "*NOAA Technical Memorandum NMFS-PIFSC-22. Status Review of Insular False Killer Whales (*Pseudorca crassidens*) under the Endangered Species Act. August 2010.*"

#### **NMFS Take Reduction Team Strategic Planning**

In the fall of 2009, CONCUR worked with National Marine Fisheries Service (NMFS) staff from headquarters and the Northeast and Southeast regions to improve the effectiveness of its Take Reduction Teams - stakeholder bodies composed of fishermen, conservationists, academics, researchers and government agencies convened to identify consensus strategies for reducing commercial fishing bycatch of marine endangered species to sustainable levels. CONCUR's effort focused primarily on helping NMFS staff conceptualize and develop a comprehensive handbook intended to foster best practices within and across the various take reduction teams.

#### **Strategic Planning for NSF EPSCoR Initiatives in Nevada, South Dakota and Mississippi**

From 2008 through 2010, CONCUR completed a series of strategic planning assignments for statewide National Science Foundation (NSF) Experimental Programs to Stimulate Competitive Research (EPSCoR). These programs—in Nevada, South Dakota and Mississippi—aim to strengthen research competitiveness and link that research with R&D activities and entrepreneurship. We worked alongside university administrators, faculty from diverse institutions, and state leaders from the Governors' offices and economic development agencies in completing these projects

In Nevada, CONCUR facilitated a series of strategic planning workshops to support a new, \$15 million—the *Nevada Infrastructure for Climate Change Science, Education and Outreach*. Members of the initiative's 30-person task force include research faculty, teaching and education professionals, and business community leaders affiliated with Nevada's Desert

Research Institute, University of Nevada at Reno, University of Nevada at Las Vegas and Nevada State College. Participants identified the key activities to be conducted during five-year project and the significant outcomes to be measured for each project component. Discussions centered on how to best integrate climate change, water resources and ecology research into cyberinfrastructure, policy-making, education and outreach. The participants also reached agreement on the elements, structure, and criteria for a stakeholder advisory committee.

CONCUR then facilitated the *Nevada System of Higher Education Climate Change Education Conference 2010* in May 2010. The symposium focused on developing a model curriculum for climate change (CC) education, identifying priority programs and courses for funding, Explore possibilities for the dissemination/sharing of teaching materials and generating course ideas that promote networking between public and private sectors. Participants included 60 academic faculty and administrators from six of the seven institutions under Nevada's System of Higher Education (NSHE). Participants represented diverse communities and disciplines within Nevada as well as the New Mexico and Idaho EPSCoR programs. With CONCUR's help, participants developed a set of strategies and priorities for enhancing the CC curriculum. Deliberations from the conference will yield the selection criteria for educational grants available from Nevada EPSCoR program.

In South Dakota and Mississippi, CONCUR supported strategic planning for Research Infrastructure Improvement (RII) projects funded by the NSF (EPSCoR). The RII projects in these two states and are intended to fund activities in eligible states to expand research opportunities, educate and train qualified students to support research activities, and promote technology-based economic development. Both states have new \$20 million awards. In Mississippi, NSF funding is targeted at three scientific goals: (1) multi-scale simulation of biological systems; (2) modeling biological networks; and (3) modeling and simulation of nanoscale chemistry. In South Dakota, the RII funding is focused primarily on building infrastructure to support research and education in photoactive nanoscale systems (PANS). The South Dakota meeting brought together representatives from eight educational institutions, two state government offices, program evaluators and NSF.

#### **Alaskan Way Viaduct.**

CONCUR was selected by the Washington State Department of Transportation, Seattle Department of Transportation and King County to design a process that enabled the three parties and affected stakeholders to resolve a longstanding dispute over the replacement of the at-risk Alaskan Way Viaduct, a 60-year-old stacked highway that separates downtown Seattle from the waterfront. The project, started in summer 2007, developed a set of eight alternatives, which were rigorously evaluated according to a set of six specific solution principles. CONCUR's role in the project over the past two years has focused on collaborative process design, strategic planning advice and stakeholder involvement.

On January 15, 2009, Washington State Governor Chris Gregoire, then-King County Executive Ron Sims and then-Seattle Mayor Greg Nickels announced a break-through agreement. The recommendation – put forward by the three executives and the Port of Seattle and approved by the Washington State Legislature in spring 2009 – calls for construction of a deep-bored tunnel under downtown Seattle, as well as significant improvements to current transit service and city streets. The budget for the entire tunnel project is about \$1.96 billion and the cost estimate for the tunnel and related work is \$4.2 billion. The cost of digging the 54-foot diameter tunnel -- the largest deep-bore tunnel in the world – is estimated at about \$1.1 billion.

The project, approved by the State Legislature in 2009, is now moving into an implementation phase. Winning bids for the bored tunnel were announced in December 2010 and the Final Environmental Impact Statement (FEIS) was released July 11, 2011. Construction on the 1.7-mile tunnel project began in 2011 and will be completed in 2015.

### **California Marine Life Protection Act Initiative -- South Coast**

CONCUR served as the lead facilitators for the 64-member south coast regional stakeholder group (SCRSG) in 2009. The South Coast region includes most of the population for Southern California, and stretches from Point Conception to the US-Mexico border. The RSG unanimously adopted a set of Regional Objectives and worked through ten initial proposals for MPAs. On November 12, 2009 the MLPA Blue Ribbon Task Force (BRTF) unanimously (5 – 0) adopted a preferred marine protected area (MPA) proposal for the south coast study region, which includes 27 state marine reserves (SMRs), 1 state marine park (SMP) and 16 state marine conservation areas (SMCAs); this recommended proposal is referred to as the *MLPA South Coast Integrated Preferred Alternative Marine Protected Area Proposal*, or *South Coast IPA*. This recommendation was presented to the California Fish and Game Commission on December 9, 2009, which voted to advance the Integrated Preferred Alternative as the proposed project for CEQA review purposes. A year later, on December 15, 2010, the California Department of Fish and Game voted to adopt regulations for an Integrated Preferred Alternative (IPA) for a southern California component of marine protected areas. The vote was the culmination of this two-year planning process.

### **California Marine Life Protection Act Initiative -- North Central Coast**

Building on the success of CONCUR's work in the Central Coast, CONCUR (Scott McCreary served as lead facilitator for the North Central Coast Regional Stakeholder Group (NCCRSG). The NCCRSG successfully completed all elements of its charge, including the development of three alternative proposals for sets of marine protected areas in state waters between Alder Creek (Mendocino County) to the north and Pigeon Point (San Mateo County) to the South. These recommendations were presented to the Blue Ribbon Task Force in April 2008 from which the BRTF developed. The BRTF in turn presented an Integrated Preferred Alternative to the Fish and Game Commission in June 2008. This Integrated Preferred Alternative was adopted by the Fish and Game Commission on August 3, 2009, with regulations to go into effect in 2010.

**California Marine Life Protection Act Initiative -- Central Coast.** CONCUR facilitated the Central Coast Regional Stakeholder Group, a 32-member group charged with developing alternate packages of Marine Protected Areas for the region between Pillar Point and Point Conception. Parties included commercial and recreational fishing interests, the harbormaster of Morro Bay and Monterey, conservation organizations, consumptive and nonconsumptive divers, and coastal business owners. CONCUR lead the group in adopting ground rules and regional goals and objectives, and deliberation over alternate packages of marine protected areas. The RSG met its aggressive deadline to produce alternative packages in seven months. These were the basis for the recommendation by the Blue Ribbon Task Force and action by the Fish and Game Commission in August 2006 to identify a Preferred Alternative including a set of 29 Marine Protected Areas in Central California. CONCUR also prepared a Facilitators' Report as part of a robust lessons learned effort; these findings and recommendations will help inform work in the next study region.

### **San Miguel Island Abalone Fishery Advisory Group (AAG)**

In 2007, CONCUR was selected by the Department of Fish and Game to facilitate a multistakeholder process to provide guidance to the California Department of Fish and Game regarding a potential abalone fishery at San Miguel Island. The AAG's charge is to generate recommendations on: a total allowable catch (TAC) for San Miguel red abalone, alternatives for allocation between user groups, alternative regulations to achieve the TAC and allocation, and potential management, enforcement, and monitoring techniques. CONCUR devised a procedure to recruit a population dynamist to serve as a key member of the Technical Committee, and help generate options for the TAC. Stakeholder members include recreational divers, commercial fishermen, non-consumptive users, conservationists, governmental agency representatives, and scientists. Key tasks include designing and facilitating AAG meetings and

convening and facilitating an expert scientific panel to develop the TAC. The final report of the AAG was completed in early 2010.

### **Design and Facilitation of a Stakeholder Involvement Process: Port of Oakland Maritime Air Quality Improvement Plan**

Throughout 2007 and 2008, CONCUR facilitated the Port of Oakland Maritime Air Quality Task Force, a body created to engage stakeholders in developing the Port of Oakland's Maritime Air Quality Improvement Plan (MAQIP). The Maritime Air Quality Improvement Plan was an effort to cost-effectively reduce air pollution from the port and CONCUR was unanimously chosen by a broad-based selection committee to design and facilitate the planning process. The Task Force that CONCUR facilitated included local residents, environmental groups, business interests, elected leaders, public agencies, and others. CONCUR worked in close coordination with the Port's technical consultants to provide accessible technical information to a wide range of stakeholders and to provide opportunities for stakeholders to interact with the Port's technical consultants.

After much collaboration with, and input from, the Task Force, the Port released its Final Draft Maritime Air Quality Improvement Plan (MAQIP) on October 31, 2008. The MAQIP was presented to the Board of Port Commissioners' Maritime Committee for review the following January 29th, 2009. Staff then completed a final round of consultation with the Task Force Co-Chairs and with an interagency group. The Board of Port Commissioners approved the Plan in April 2009 and authorized \$2 million for Port-related truck retrofits. The Port will be implementing a variety of other measures as well and adapting the plan over time as results of its implementation are evaluated.

### **Oil & Gas Platform Decommissioning**

In early 2008, CONCUR completed a project for the California Resources Agency to create a Request for Proposals (RFP) to study the major technical issues associated with a range of decommissioning alternatives for the state's 27 offshore oil and gas platforms. Working closely with the office of the Assistant Secretary for Ocean and Coastal Policy, we reviewed research related to mineral resource development in the Southern California Bight and pertinent federal and state coastal management policy and legislation. CONCUR conducted confidential interviews with a cross-section of key stakeholders and scientists. CONCUR used the results of this background research and interviews, in turn, to organize and facilitate two workshops: one for ocean and coastal policy stakeholders; and a second for expert scientists, including the members of the Inter-Agency Decommissioning Working Group. CONCUR prepared a Workshop Summary for the facilitated workshops highlighting the key information needs raised by stakeholders and scientists. CONCUR used this summary to develop a Scope of Work for a study to be commissioned by the Resources Agency. The final work product delivered by CONCUR was a comprehensive draft RFP to guide the selection of a consultant to address the identified information needs. The aim of the study, in turn, was to support well-reasoned deliberation on policy alternatives.

### **Collaborative Fisheries Research Workshop**

In May 2008, CONCUR helped design and facilitate a two-day statewide workshop on Collaborative Fisheries Research (CFR) for the California Ocean Protection Council. Our team conducted pre-workshop interviews to help create the workshop agenda, and used our knowledge of ocean and coastal policy - including the status of California ocean fisheries - to refine approaches to be used during the workshop. This workshop was attended by fisheries managers, fishermen, scientists, community groups and policy makers from throughout California and the nation. The focus was twofold: To hear about lessons learned from existing CFR projects; and to solicit feedback on how to establish a new statewide CFR program that may then be extended to include other west coast states. CONCUR helped co-organize and facilitate panel discussions, the plenary, breakout sessions, and provided a comprehensive



meeting summary that included a framework and major institutional elements of a statewide CFR program.

#### **NMFS Vessel Monitoring System**

CONCUR worked with the National Marine Fisheries Service's Office of Law Enforcement (OLE) and the Northeast Regional Office (NERO) to help the two offices resolve a series of issues related to the use of the Vessel Monitoring System (VMS), a satellite-based technology that helps track fishing boat locations when at-sea. VMS is used both to support law enforcement and fisheries management activities. As a result, the competing needs make it challenging to operate the system in a manner that is equally effective and affordable for both offices. CONCUR worked closely with senior staff to convene and facilitate a one-day workshop intended to find consensus-based solutions to some of the most vexing implementation challenges. The work included pre-meeting interviews with key office staff, careful development of materials to support the one-day meeting and rigorous facilitation to produce a concrete workplan for moving forward.

#### **Environmental Management Agency, Trinidad and Tobago**

CONCUR serves as a member of a team headed by the Trinidad-based firm DGE to advise the EMA on the conduct of the EIA process for a proposed Alcoa aluminum smelter, with particular emphasis on evaluation of social impacts. Recent work included an in depth Situation Assessment, and concluded with a series of findings and recommendations to strengthen the EIA process, which were in turn adopted by EMA in the final Terms of Reference for the EIA.

#### **Consultative Group on Biological Diversity**

Scott McCreary facilitated a deliberation of the Consultative Group on Biological Diversity (CGBD) on October 25-26, 2007 at UC Berkeley's Boalt Hall Law School. Scott worked alongside Bill Hull of CGBD and Steve Whitney of the Bullitt Foundation, the co-conveners of the meeting. The Consultative Group on Biological Diversity (CGBD) is a grantmakers forum that seeks to focus attention on issues and program opportunities related to the conservation and restoration of biological resources. Established in 1987, the CGBD is comprised of 53 foundations and the U.S. Agency for International Development. The briefing session brought together 35 grantmakers and national leaders in water resource management innovation to identify current and emerging trends to stimulate thinking on potential future grantmaking, potential opportunities for collaboration, and next steps to build a platform for future discussions of water resource funders.

#### **National Marine Fisheries Service Southeast Region Office Training**

CONCUR conducted a negotiations training for two dozen staff with the National Marine Fisheries Service's Southeast Region Office in St. Petersburg, Florida. The two-day training session, led by co-instructors Scott McCreary and Bennett Brooks, focused on providing the region's Protected Resources Division staff with a framework for negotiating complex environmental agreements. The training included presentations, discussions and simulations aimed at helping staff apply basic negotiation and facilitation techniques to regularly encountered problems.

#### **NMFS U.S. Longline Bycatch Reduction Assessment and Planning Workshop**

CONCUR worked with NMFS staff from Headquarters and the Northwest Region to plan and execute a national workshop to develop an Action Plan to further reduced bycatch of sea turtles and other species incidental to longline fishing. The workshop, convened in September 2007, brought together over 30 national experts on the subject. Workshop participants reviewed and discussed the results of all U.S. longline bycatch reduction efforts to date, fully assessed the available information on the effects of circle hooks on bycatch species and target catch, and identified gaps in knowledge.

#### **NMFS Marine Mammal Serious Injury Technical Workshop**

In September 2007, CONCUR worked with NMFS staff from Headquarters and multiple regions to plan and execute a national workshop of over 60 national experts, including leading veterinarians, pathobiologists, and marine mammal scientists, to refine current thinking and work toward national guidance on characterization of serious injury in marine mammals. Workshop participants shared new information obtained over the past 10 years on the types and frequencies of injuries and the fate of multiple species of seriously injured marine mammals. Workshop convenors considered multiple options for translating findings into more formal agency guidance. NMFS has completed the primary recommendation from workshop, and the policy will be in effect as of January 27, 2012.

#### **Department of Energy Solid State Lighting Workshop**

In 2006, CONCUR co-facilitated review of the US Department of Energy's priorities for core technology and product development research on the topic of solid-state lighting (SSL) at a national workshop convened in Phoenix, Arizona. SSL, built on the rapidly developing technologies of Light Emitting Diodes (LEDs) and Organic Light Emitting Diodes (OLEDs), holds great promise as a light source and a way to reduce a major component of the US energy budget. LEDs are semiconductor devices that emit light when connected in a circuit. Participants included university and DOE researchers, lighting industry specialists, utility executives, and senior DOE staff.

#### **Santa Clara Valley Water Resources Protection Collaborative**

Convened by the Santa Clara Valley Water District ("District"), with initial meetings co-convened by the City of Cupertino, this effort addressed water resources protection goals within Santa Clara County. Its aim was to define management strategies, institutional arrangements, and implementation measures to better coordinate land use planning and resource protection county-wide. The Collaborative included representatives from the District, the County of Santa Clara, each municipality within the County, the SF Bay Regional Water Quality Control Board, the local resource conservation district, the Santa Clara County Farm Bureau, and representatives of property owner, environmental, community, business, and development interests. CONCUR's work with the Collaborative began with an assessment and a Convening Report which contained specific strategic planning options for the goals, composition and funding of the Collaborative. In 2003-2006, CONCUR facilitated all proceedings of the Collaborative, assisting the parties in the design and strategic planning of alternatives to promote the Collaborative's goals to protect water resources. In 2006, the District adopted an ordinance to create a unified framework for water resources in the Valley.

#### **Tahoe Research and Science Consortium**

CONCUR was selected by the U.S. Army Corps of Engineers in June 2004 to work with EPA, the Tahoe Regional Planning Agency and other federal, state and local entities to design a structure for coordinating Lake Tahoe-focused science- and research-related activities. The effort was intended to assist those prioritize and coordinate among research, monitoring, evaluation and outreach activities in support of the high-profile Tahoe Basin management goals. CONCUR helped participants develop an Agreement-in-Principle on a process model for integrating science and management objectives into a coordinated research and science program. That Agreement in Principle document was formalized as an MOU in August 2005, and in turn has been instrumental the work of the recently-established Lake Tahoe Science Consortium. Founding members of the consortium include UC Davis, the Desert Research Institute of Nevada, University of Nevada, Reno, USGS and the US Forest Service Pacific Southwest Research Station.

#### **CALFED Bay-Delta Authority**

CONCUR worked closely with the CALFED Bay-Delta Program from 1996 to 2007 to provide strategic planning, process design, joint fact-finding services and agreement-focused facilitation. CALFED is a joint effort among more than 20 federal and state agencies working to broker a deal that will create a long-term solution for the Delta that improves water supply

reliability, levee system integrity, water quality and ecosystem restoration. The effort is one of the largest environmental planning initiatives ever undertaken in North America.

In its work, CONCUR:

- Mediated a series of water use efficiency agreements that have helped to resolve longstanding disagreements among environmental, agricultural, urban and agency interests. These broadly supported agreements and approaches include: (1) a conceptual foundation for an agricultural water use efficiency program grounded in an objective-oriented, incentive driven approach; (2) a Memorandum of Understanding between the Agricultural Water Management Council and CALFED to help agricultural water districts plan and implement a set of efficient water management practices; (3) a clearly delineated package of agricultural water use efficiency milestones; (4) a detailed framework for an urban water conservation certification program; and, (5) protocols for a multi-million-dollar grant and loan program to implement water use efficiency.
- Facilitated a series of public bodies that brought together agricultural, environmental, urban and state / federal agency representatives to discuss strategies for structuring and implementing CALFED's far-reach Water Use Efficiency Program.
- Assisted CALFED in organizing, structuring and facilitating high-profile and technically complex independent review processes. These independent review panel initiatives have focused on ecosystem restoration, agricultural water conservation potential, agricultural water use measurement and CALFED-wide program financing. CONCUR also helped design and facilitate CALFED's Water Management Science Board.
- Helped Ecosystem Restoration Program (ERP) staff on strategic planning efforts, including providing guidance on work program development and facilitating a stakeholder group charged with identifying, addressing and resolving key policy issues associated with the ERP and its implementation.
- Provided a range of Program-wide assistance, including: advising CALFED staff on the design and execution of meetings of the Bay-Delta Advisory Committee, a body comprised of the major interest groups involved in shaping California water policy; and, designing and facilitating two large (200+ person) workshops to brief major water stakeholders and the public on emerging draft alternatives and elicit their comments on the options strengths and weaknesses.

CONCUR's work with the program focused on the following primary areas: (1) conducting an extensive stakeholder analysis to assess the need for revising the CALFED Program's current approach to fostering urban water agencies' implementation of locally cost effective conservation measures; and (2) canvassing urban and agricultural representatives to better understand their water use efficiency-related technical assistance needs.

#### **International Fishers Forum**

CONCUR designed and facilitated an international forum aimed at reducing incidental bycatch of seabirds and sea turtles by longline fisheries. The forum—which involved fishermen, governmental agency, scientific researchers, and environmental groups from 28 countries—produced a formal resolution and a series of commitments directed toward improving and enhancing current mitigation efforts.

### **Strategic Planning for NMFS Pacific Region Office**

In 2003-2004, CONCUR provided strategic planning and facilitation services to assist key governmental agencies to form a stronger partnership in the vast Pacific Islands Region. In the spring of 2003, the Pacific Islands Region was established as an autonomous region within the National Oceanic and Atmospheric Administration (NOAA). The establishment of the new region created a strong impetus for the three federal agencies primarily responsible for fisheries management and conservation in the region - The Western Pacific Regional Fisheries Management Council, the Pacific Islands Regional Office, and the Pacific Islands Fisheries Science Center - to begin acting together in a more coordinated, cohesive, and integrated fashion.

To assist in this process, CONCUR worked with the executive officers of the three organizations to design a work plan for improving inter-organizational cooperation and effectiveness. This entailed a series of joint planning activities, including several staff workshops. The purposes of the workshops were to: introduce the three organizations, and their staffs, to each other; solicit staff input on strategic planning goals and priorities and on how to better link the organizations' respective research, policy, and management missions; and establish a series of "operating protocols". An early work product of this effort - rolled out in March 2004 at a public workshop in Honolulu attended by over 100 people - was a 20-page document entitled "Strategic Plan for the Conservation and Management of Marine Resources in the Pacific Islands Region - Summary." Of particular note, the three organizations jointly proposed to increase budget allocations for the new region from \$37 million to \$73 million.

### **Technical Workshops on Marine Turtle Bycatch from Longline Fishing**

Facilitated a technical workshop convened by the National Marine Fisheries Service in Seattle, Washington in February 2004 focusing on avoidance of impacts to sea turtles from longline. Participants included representatives of NMFS, the State Department, academic and research institutions, commercial fishers, gear manufacturers, environmental NGOs, and agency staff from about 15 nations. The results of the Seattle meeting were used as an input to FAO-convened deliberations. CONCUR convened a workshop in Washington D.C. in January 2004 to review current criteria on post-hooking mortality in sea turtle, with participants drawn for their expertise.

### **Distributing Limited Resources in the Imperial Valley**

CONCUR teamed with UC Berkeley Professor Michael Hanemann to assist the Imperial Irrigation District (District) in evaluating and ranking different methods to support the equitable distribution of water within the District. The District provides irrigation water and electric power to the lower southeastern portion of California's desert. The Imperial Valley produces nearly \$1 billion in crops annually and provides over 1,000 jobs in the Imperial and Coachella Valleys. The process was part of the District's overall planning and preparation effort should future circumstances arise where local water needs are greater than supplies. CONCUR took the lead in structuring an extensive public involvement process. Dr. Hanemann performed the technical analysis. The project focused around a series of meetings and workshops with growers, local businesses and others to identify allocation options capable of garnering widespread support. Based on the discussions, a package of broadly supported recommendations was submitted to the IID Board for its consideration in August 2006. The recommendations cited both historical use and a soil-based variant of straight line as having the greatest potential to balance equity, cost and implementation considerations. Much of the package served as the foundation of the eventual staff-generated recommendation approved by the Board in a 3-2 vote. The District is expected to immediately begin developing a plan to implement the recommended actions.

### **Developing a Reliable Plan to Conserve Water in the Imperial Valley**

CONCUR was part of a multi-faceted team headed by Davids Engineering of Davis, California, hired by the Imperial Irrigation District to develop a plan for conserving more than 300,000 acre-feet of water for transfer to San Diego and elsewhere. In its role in the project, referred to as the Definite Plan, CONCUR was responsible for designing and executing a public involvement process intended to build support for conservation practices needed to cut the District's overall water use by almost 10 percent. The project involved extensive strategic planning, facilitation of a 12-member grower work group and close coordination with a project team that includes irrigation engineers, resource economists and others. CONCUR was also responsible for overseeing the public outreach effort, including a bi-monthly project newsletter, public workshops, field visits to conservation demonstration projects and a project website.

### **Baldwin Park Operable Unit: Mediating a Multi-party Dispute on the Remediation of a Superfund Site/Contaminated Drinking Water Supply**

In March of 2000, CONCUR was asked to assist the U.S. EPA, the Main San Gabriel Basin Watermaster, and the Aerojet General Corporation in mediating negotiations over the containment and cleanup of contaminants at the Baldwin Park Operable Unit (BPOU) of the San Gabriel Valley Superfund sites. The BPOU is located just east of Los Angeles, and involves a several-mile-long area of groundwater contamination in the San Gabriel Valley. The basin also serves as a primary drinking water supply for area residents. Contaminants include volatile organic compounds, perchlorate, and N-nitrosodimethylamine (NDMA). CONCUR worked with the group to identify and prioritize a list of twenty issues to address, including water supply reliability, treatment technology, the number and location of treatment plants, the cleanup timeline, a myriad of cost issues, and project management responsibilities. In June of 2000, EPA issued Unilateral Administrative Orders to all BPOU PRPs, effectively expanding the number of participating parties in the negotiation process from three to 19. At the beginning of 2001, seven companies signed a legally binding Memorandum of Understanding to pay \$4.1 million in past cleanup costs to area water companies. These companies also agreed to work with the water purveyors and EPA to meet an aggressive deadline to hammer out a 15-year interim Record of Decision.

Then, in July and August 2006, CONCUR was retained under a national contract with SRA international to conduct an assessment for USEPA and DOJ to evaluate the prospects for mediation to finalize cost recovery actions at the Baldwin Park Operable Unit (BPOU) Superfund site. CONCUR conducted a series of interviews with key parties including PRPs and their representatives, insurance companies, as well as representatives of USEPA and counterpart state agencies (California's Department of Substance Toxic Control (DTSC), the Los Angeles Regional Water Quality Control Board) The assessment confirmed the willingness of parties to enter mediation, established selection criteria for a mediator, framed issues for negotiation, and produced agreement on a mediator with specific expertise in insurance Superfund law, and a commitment to commence a mediation process in the fall of 2006.

### **State Water Resources Control Board, Leadership Training Academy**

CONCUR has been working with counterparts from UC Davis and the State Water Resources Control Board to design and present a new Water Leadership curriculum. Scott McCreary lead a team of CONCUR co-instructors to develop and teach a curriculum of four pilot courses in 2003-2005, and then presented again in 2006-2007. They are "Designing Effective Stakeholder Collaborative Processes", "Effective Use of Scientific Information", "Negotiation and Facilitation in Water Resources Collaboration" and "Advanced Course in Negotiating and Facilitating in Collaborative Processes".

### **Clean Estuary Partnership**

CONCUR was part of team responsible for developing a 5-Year Work Plan and facilitating all stakeholder involvement activities for the Clean Estuary Partnership (CEP). CEP is a collaborative effort on behalf of the Regional Water 14Stormwater Management Agencies Association to guide and assist in the development of water quality attainment strategies, including Total Maximum Daily Loads (TMDLs), for the San Francisco Bay Delta.

### **Okavango Watershed and Basin "Sharing Water" Project in Southern Africa**

CONCUR served as facilitator and trainer for this US-AID funded initiative, lead by the Berkeley-based Natural Heritage Institute, aimed at strengthening the information base to support transboundary natural resource planning for the Okavango-Kubango River system. With a watershed rising in Angola, the Okavango flows through Namibia and terminates in the Okavango Delta in Botswana. Other project partners include IUCN, the Namibian Nature Foundation, and Angola-based NGOs. CONCUR lead the project components on negotiation and joint-fact finding, and contributed to the strategic planning for the entire project. Meetings convened in Luanda, Angola, Windhoek, Namibia, and Chobe, Botswana.

### **'Collaboration Network' Online Discussion Forum**

CONCUR worked with the California State Water Resources Control Board's Office of Statewide Initiatives and UC Davis to develop and facilitate a private online discussion forum for Water Board staff called the Collaboration Network, or CollabNet. CollabNet was designed to complement the Water Board Training Academy's four existing courses on collaboration, promote intra-agency discussion and information-sharing on collaborative processes, and be a resource for staff for materials on collaborative process design and management. The seven-week pilot phase ran from Oct. 18 - Dec. 3, 2004, and saw the posting of over 140 messages by the pilot phase's 42 participants. Topics in CollabNet's 7 sub-forums ranged from how to resolve technical arguments between experts, to how to quantify environmental impacts for penalty assessments, to a discussion on the role of the SWRCB's Watershed Management Initiative. The forum has since been transitioned to Water Board and UC Davis management, and continues to serve as a resource for Water Board staff.

### **Restoration Concepts and Stakeholder Involvement for the Tigris-Euphrates Marshlands**

Sponsored by the Iraq Foundation, the U.S. State Department and other funders, the aim of the project, known as "Eden Again" is to outline scientifically-sound concepts that can be used to facilitate the restoration of the Mesopotamian Marshlands, which are located within modern day Iraq and Iran. In February 2003, CONCUR facilitated an international technical workshop that brought together a panel of 20 scientists with expertise in ecology, hydrology, and geochemistry. Panelists articulated restoration challenges from the standpoint of their discipline, outlined a series of ecological functions that could be accomplished developed and evaluating a series of preliminary restoration options for the marshlands. A Report summarizing the scientists' findings and recommendations, "*Building a Scientific Basis for Restoration of the Mesopotamian Marshlands: Findings of the International Technical Advisory Panel*" was produced in April of 2003.

### **Headwaters Forest Water Quality Issues: Conflict Assessment and Independent Scientific Review**

In 2002 and 2003, CONCUR carried out a series of assignments for the North Coast Regional Water Quality Control Board to resolve longstanding issues related to water quality in five Humboldt County watersheds that were subject to logging by Pacific Lumber Company (PALCO). CONCUR convened and facilitated an Independent Scientific Review Panel (ISRP). CONCUR worked closely with a group of local stakeholders to frame questions and develop criteria for selecting the panel of experts. Members of the ISRP included experts in the disciplines of hydrology, slope stability, silviculture, aquatic ecology, and environmental planning. A detailed Terms of Reference document was prepared to clearly state the Panel's

assignment, and the process by which they were to prepare their report. Both reports reflect extensive review of existing information, followed by intensive panel deliberations, yielding consensus reports.

The ISRP issued its Phase I report in January 2003, and its Phase II report in August 2003. Both reports directly informed the Board's 2006 resolution to adopt Watershed-Wide Waste Discharge Requirements (WWWDRs) for Timber Harvesting Plan Activities conducted by Scotia Pacific Company, Salmon Creek Corporation, and The Pacific Lumber Company (PALCO) in the Elk River Watershed Humboldt County. This is the first time such WWWDRs have been implemented anywhere in California.

#### **USIECR Conflict Assessment On Line Dialogue**

Co-created by CONCUR and Colin Rule and Jonathan Raab of Raab Associates. The aim of this project was to advance two dimensions of the fields of environmental and public policy dispute resolution simultaneously. These are (1) the practice of conducting conflict assessments and (2) the use of on line tools to conduct dialogue and facilitate collaboration. This project was jointly funded by USIECR, the Hewlett Foundation, EPA, and US Department of Interior. Results and lessons learned from the dialogue were presented at the Association for Conflict Resolution Conference in Orlando, Florida in October 2003.

#### **Guadalupe River Flood Control Project**

From 1997-2002, CONCUR facilitated the Guadalupe River Flood Control Project Collaborative, which produced a landmark agreement to resolve remaining mitigation issues for the lower Guadalupe River in downtown San Jose. The River, which has flooded twice in the past decade, is habitat for both chinook salmon and steelhead trout. The Collaborative included over a dozen members of federal, state and local agencies as well as citizen/agency litigants who had challenged the adequacy of the earlier mitigation plan. Over the first six months, the Collaborative met on a monthly basis and produced a Dispute Resolution Memorandum (DRM): an agreement on a proposed project and a package of early implementation measures. CONCUR also convened a parallel Technical Fact-Finding Subcommittee to develop technical information in support of the Collaborative's work. Over the next 3 1/2 years, this basic design, along with its companion plans for mitigation and recreational access were refined, and rigorous environmental documentation prepared, all with intensive participation of the Collaborative.

On November 16, 2001, Brigadier General Griffin, Director of Civil Works, U.S. Army Corps of Engineers (USACE), approved the GRR/EIR-SEIS and signed the Record of Decision for the Guadalupe River Flood Control Project (GRFCP). At the Collaborative's final meeting, a NHI attorney officially withdrew the May 22, 1996 notice of citizens' suit. He noted that the redesigned project was clearly "superior to the original and to any project that the court would have ordered." The project redesign produced efficiency gains that will reduce over \$100M from the projected cost of the original project with its mitigation requirements

The project has been fully constructed, mitigation is in place, and has been recognized as a national model for effective integrated watershed planning by both the Corp of Engineers and the Santa Clara Valley Water District. In February 2002, a successor adaptive management team began meeting to kick off a 100-year commitment to Adaptive Management to ensure that the mitigation measures perform as needed.

#### **Environmental Restoration at the Former Fort Ord**

Fort Ord sits in the heart of the Monterey Peninsula. For decades, the sprawling 29,000-acre Army base was a focus of the region's attention, serving as a national infantry-training site and pumping millions into the local economy. Almost two decades after the base was shut down, the installation still attracted significant attention. Neighboring communities are eager to see the land re-used for non-military purposes.

Environmental advocates, local officials, nearby residents and others are focused on the clean-up of the base, designated a Superfund site in 1990. In 1994, the Department of Defense established a Restoration Advisory Board (RAB) composed of local officials, members of the public, the Army, EPA and the state to help shape the clean-up of the former Fort Ord. Almost immediately, the members of the RAB had difficulty working together and reaching agreement on clean-up issues regarding the site. As a result, in the summer of 1998, the EPA asked CONCUR to evaluate the situation and devise strategies for developing a more productive, collaborative effort. In response to the EPA's request, CONCUR provided strategic guidance and facilitation services on the project from July 1998 to June 1999. CONCUR's work centered on: 1) preparing an extensive issue audit that detailed key findings and overarching recommendations related to the RAB's mission, membership, procedures and information sharing; 2) convening a series of facilitated meetings with the RAB to engage CONCUR's recommendations and findings; and, 3) providing strategic planning advice to the EPA on designing effective public participation processes.

#### **Tijuana National Estuarine Research Reserve**

CONCUR lead the preparation of the Tijuana River National Estuarine Research Reserve and National Wildlife Refuge Comprehensive Management Plan, which focuses on improved management of this binational watershed with an emphasis on integration of flood protection, water quality, and habitat. Parties to the collaborative effort included the National Oceanic and Atmospheric Administration, U.S. Fish and Wildlife Service, California Department of Parks and Recreation, the cities of San Diego and Imperial Beach, County of San Diego, California Coastal Commission, State Coastal Conservancy, as well as local interest groups.

#### **Situation Assessment, Shoalwater Bay Tribe, Pacific County, Washington**

Retained by the Shoalwater Bay Tribe, with the support of EPA Region X, to conduct a Situation Assessment to analyze prospects for future collaboration between Shoalwater Bay Indian Tribe and community of Tokeland to address issues related to water quality, coastal erosion, water supply and community development. The objective was to take stock of the community's most critical environmental quality and economic development issues and recommend a possible framework for future collaboration among the Tribe and interest groups within the community. The CONCUR team conducted 35 confidential interviews and analyzed the findings in detail. The CONCUR team stepped out a detailed set of process options for future collaboration and presented them in a community meeting in Tokeland

#### **Santa Clara Valley Water District Stream Maintenance Program**

Facilitated a 30-stakeholder advisory committee through a four meeting process to assist the District in preparing a District-wide effort for assessing and mitigating the impacts of its stream maintenance program.

#### **Santa Clara Valley Water District South Bay Copper Reduction Dialogue**

CONCUR facilitated the South Bay Copper Reduction Dialogue, which produced a Memorandum of Understanding on control measures to reduce discharge of copper into South SF Bay. Facilitated initial workshops to develop a Comprehensive Reservoir Watershed Management Plan.

#### **Sacramento Area Flood Control Agency (SAFCA)**

Facilitated a 45-member dialogue charged with devising a locally preferred alternative for flood control that integrates habitat restoration and recreation components. Participants ratified detailed proceedings addressing bank protection, levee stabilization, planning for alternate flow levels, hydraulic mitigation, and floodway management.



**San Diego County Water Authority**

Facilitated meetings of the Emergency Storage Working Committee, a 27-member group charged with advising Water Authority staff on planning a major new system of pipelines and re-operated reservoirs. Work produced a signed consensus agreement.

**Nevada Division of Water Planning**

Designed and executed a training program for senior officials from the Division of Water Planning, Division of State Parks, Division of Wildlife, Division of State Lands, Division of Water Resources, and the State Attorney General's Office.

**EPA Climate Change Panel**

Scott served as a member of a team contributing to a research initiative launched by USEPA HQs, the National Center for Atmospheric Research, and the Tellus Institute, to examine effects of global climate change on ecosystem goods and services provided by the San Francisco Bay Delta watershed. Scott served as a member of the panel, and CONCUR also conducted a focused stakeholder analysis of about a dozen senior players in California water policy to look at opportunities to link the EPA initiative with evolving California policy.

**U. S. Department Of Agriculture**

Designed and executed a training program for Officers in Charge and Field Managers in South Dakota, Utah, and California emphasizing mutual gains bargaining in the context of implementing pest management program.

**U.S. EPA, Region IX, Water Division**

Led independent review team of planners, economists, and attorneys in the preparation of analysis of a Section 404 wetlands review for a major development project near Sacramento in an area with a high density of vernal pools. Briefed Regional Administrator. Facilitated a technical forum on toxic waste cleanup at a Superfund site. Facilitation and policy analysis services provided in support of the land use program for the Comprehensive Conservation and Management Plan; and to develop the wetlands and land use elements of the Regional Monitoring Strategy for the San Francisco Estuary Project. Included review and synthesis of natural resource documents and facilitation of working groups of EPA and Water Board staff, local governments and other diverse interest groups with a stake in management of the Estuary.

**Pacific Gas and Electric Company**

Designed and executed a series of three training courses on principled negotiation for staff of the Hydropower Relicensing, Technical and Ecological Services, Law, Hydro Generation, Power Generation, and Building and Land Services.

**San Francisco Bay Regional Water Quality Control Board**

Designed and executed a training program for Regional Board staff emphasizing mutual gains bargaining and negotiation over cleanup of contaminated sites.

**U. S. EPA Headquarters and Regions**

CONCUR serves as a member of a team lead by the Marasco Newton Group (MNG) under a five year contract to provide a wide range of conflict resolution, convening, stakeholder analysis and training services to EPA Headquarters and all EPA Regions. Projects have included Superfund, military base, and Title VI cases.

**Crane Valley Hydroelectric Project Relicensing**

CONCUR facilitated an 8-way agreement among PG&E, local governments, USFWS, DFG, and USFS on the terms of new FERC Hydroelectric License for the Crane Valley Project in eastern Madera County, California. CONCUR worked with parties to identify, rank, and

package over 90 specific candidate license conditions, and to identify new institutional structure to see this package through to implementation. The agreement, presented to the Federal Energy Regulatory Commission, addressed licensing conditions for in stream flow for cold water and warm water fisheries in Willow Creek and tributaries, terrestrial habitat and wildlife protection and recreational improvements at Bass Lake and the adjacent watershed.

#### **East Bay Municipal Utility District (EBMUD) – Penn Mine**

Advised East Bay Municipal Utility District staff on structuring the negotiation of the cleanup of Penn Mine. Convened meetings devoted to clarifying issues in FERC relicensing.

#### **Israel Ministry of Justice and Ministry for the Environment**

Scott served as a member of a 5-person international team of experts briefing 200 senior officials from the Ministry of Justice, Environment, Interior, as well as senior municipal officials on the application of mediation techniques to environmental and policy issues in Israel. Facilitated discussions among proponents and opponents of a proposed marina in Tel Aviv.

#### **California PUC-Guided Development and Strategic Planning of Water Supply Alternatives for the Monterey Peninsula**

CONCUR was retained as a member of an independent planning team by the California Public Utilities Commission to develop water supply alternatives for the Monterey Peninsula in conformance with AB 1182 (Keeley). CONCUR provided ongoing strategic planning advice to the CPUC and structured and implemented the public participation process. As part of this effort, CONCUR conducted interviews with a wide variety of stakeholders aimed at identifying their concerns, and prepared a detailed Public Participation Plan to help guide the CPUC in its outreach efforts, ensuring that pathways for public input were clearly defined, and project news broadly distributed. CONCUR organized and executed public workshops for each stage of the planning process: 1) Setting project goals and objectives, 2) Selecting candidate components (groundwater development, desalination, importation, legal strategies, and reclamation), and 3) Screening components, and 4) Assembling a recommended Plan B. Plan B, recommending a mix of desalination and aquifer storage and injection strategies, was completed in the summer of 2002.

#### **Minerals Management Service And University Of New Orleans**

Designed and facilitated a three-day workshop to produce a social science research agenda for evaluating effects of OCS development on the Gulf Coast. Participants included 25 senior social sciences from the US, Canada, and Europe. The meeting produced a ranked list of 17 proposals. The summary for the project specifically calls out the value of the CONCUR facilitation team as part of the planning process for the members of the team, the value of upfront interviews, the convening of both plenary and breakout groups, and the culmination of the final plenary session to rank research proposals. The final report was published as: Gramling, R and S. Laska. *A Social Science Research Agenda for the Minerals Management Service in the Gulf of Mexico*. Minerals Management Service Gulf of Mexico OCS Office, New Orleans, LA. Contract number MMS 14-35-0001-30470, OCS Study, 93-0017. 66 pp.

#### **Partners For Democratic Change**

Designed and delivered a course in environmental policy analysis and dispute resolution for senior Ministry for the Environment officials and members of Parliament in Hungary, and for regional environmental officers in Bulgaria.

#### **Centre For Dispute Resolution, London**

Designed and delivered a course in the application of dispute resolution techniques to complex public policy issues for senior officials from 30 organizations.

**Winrock International, Arlington, Virginia**

Served as facilitator and environmental policy analyst in initiating the Environmental Policy and Training Project (EPAT), funded by USAID.

**Department Of Environmental Quality, State of Louisiana**

Served as facilitator and environmental policy adviser for the Louisiana Comparative Risk Project, the first collaborative public policy dialogue in Louisiana. Involved 12 state agencies and over 30 interests groups. Product includes ranked list of environmental problems, environmental policy goals; parties signed the final agreement. Led negotiation training course for senior officials.

**Department Of Conservation, Wellington, New Zealand**

Conducted training in negotiation and dispute resolution for senior resource managers.

**Auckland Regional Council, Auckland, New Zealand**

Advised the Council on improving cross-cultural negotiation with the Maori community.

**Independent Scientific Review of Oil and Gas Development in Pastaza Province, Ecuador**

Served on a four-member team with three UC Berkeley professors to assess the quality of environmental documentation prepared by. The team was jointly commissioned in its review by UNOCAL, Oxfam International, and the Rainforest Action Network. The work included a series of site visits and interviews, and included a detailed report of findings and recommendation, presented jointly to the convening parties and representatives of indigenous organizations active in the Amazon Basin. This work was in turn summarized in an article in *Cultural Survival Quarterly*.

**OTHER SELECTED PROFESSIONAL EXPERIENCE**

**2006 - 2008 Vermont Law School**

*Adjunct Professor.* Designed and co-taught two-credit law school course "Mediating Land Use, Water Resource and Marine Resources Disputes" in summers of 2006, 2007 and 2008. Presented additional seminar on California's work on marine protected areas.

**1989 - 93 University Of California at Berkeley**

*Lecturer in Environmental Planning and Dispute Resolution*

Designed and taught graduate courses in the Process of Environmental Planning, Studio in Land Use Planning, Thesis Research, and Environmental Planning in Developing Countries. Taught a new course in Environmental Dispute Resolution for Spring, 1993.

**1989 - 92 University Of California at Berkeley, Center For Environmental Design Research**

*Research Specialist.* Conducted applied research in support of the San Francisco Estuary Project, one of the sites designated by EPA as part of the National Estuaries Program. Conducted research on effects of land use change on the San Francisco Estuary, and a companion regulatory analysis. Supervised teams of graduate research assistants, developed research methodology, managed preparation of technical reports, presented findings before technical and management committees.

**1986 - 90 Consultant In Environmental Policy And Conflict Resolution**

Clients included:

**Tourism Bureau, Ministry of Communication, Taipei, Taiwan.** Advised the Tourism Bureau on coastal resource management policies and use guidelines as part of a

National Recreation Development Plan. Involved site visits to about 60% of Taiwan's coastline.

**USC Sea Grant Program.** Conducted training in negotiation and dispute resolution for Sea Grant agents, program managers, and researchers from West Coast States.

**Bay Vision 2020 Commission, San Francisco.** Prepared and delivered a briefing paper on land use, water quality, and air quality issues facing the San Francisco Bay Area for the Bay Vision Commission, a panel of 32 leaders charged with drafting a strategy for regional growth management.

**Ministry for the Environment, Wellington, New Zealand.** Conducted training courses in negotiation and environmental dispute resolution in for senior MFE officials and representatives of energy, mining, and other business sectors, and well as greens, Maori leaders, and local authorities in Wellington, Auckland, and Christchurch.

**Law Firm of Baker & McKenzie, San Francisco, CA.** Conducted a training program in negotiation and international environmental policy for the Land Use Practice Group in the San Francisco office of the world's largest law firm.

**University Of Miami, Miami, FL.** Co-organized international workshop on international coastal resource management in West Africa, attended by resource managers from 12 nations in Mbour, Senegal; nations, co-sponsored by USAID and IUCN; co-authored workshop report.

**New York Academy Of Sciences.** As a consultant to the Science and Decision Making Program, designed and executed a collaborative process to improve the management of contaminants in the New York Harbor region. Organized joint fact-finding sessions with over 20 scientific advisors. Mediated 10 negotiation sessions with over 20 interest groups. Led the development and revision of a single negotiating text that produced 120 findings and 26 recommendations to reduce PCB contamination and its effects.

**State Of New York Bureau of Coastal Management and Waterfront Rehabilitation.** Prepared an analysis of alternate institutional arrangements for strengthening the state's coastal programs.

**U.N. Ocean Economics and Technology Branch.** Prepared an analysis of coastal use conflicts.

**U.S. Agency For International Development/U.S. National Park Service, International Affairs.** Contributed to several projects to promote integrated coastal resource management in developing nations. Co-authored an analysis of institutional arrangements for managing coastal resources.

1984-89

**MIT/Harvard Public Disputes Program, Cambridge, MA**

*Associate.* Contributed to several projects to test and refine the use of assisted negotiation techniques. Co-managed an analysis of EPA's negotiation of Superfund site clean ups. Contributed to an analysis of EPA's experiments in negotiated rulemaking; contributed to development of simulation exercises. Co-taught MIT Course "Resolving Science-Intensive Disputes".

## RECENT SELECTED CONFERENCE PRESENTATIONS, GUEST LECTURES, AND COURSE DEVELOPMENT

- 2012**      **University of Oregon.** Scott will serve on a faculty panel at the University of Oregon Law School on February 24, 2012 for an Environmental Conflict Resolution course at the University of Oregon Appropriate Dispute Resolution Center. (This program is an interdisciplinary program of the University of Oregon School of Law. The ADR Center is consistently ranked in the top ten dispute resolution programs in the country).
- 2010**      **UC Berkeley Departments of Landscape Architecture & Environmental Planning and City Planning.** In November 2010, Scott McCreary presented to Professor Jason Coburn's 24 students in the course "Environmental Policy and Regulation" CP251/LA231. He highlighted the theory and practice of regulatory negotiation, using the recent case of CONCUR's facilitation of the Hawaii False Killer Whale Take Reduction Team.
- 2009**      **UC Berkeley Departments of Landscape Architecture & Environmental Planning and City Planning.** In November 2009, Scott gave a presentation to 22 members of the course Landscape Architecture 237/ City Planning 257, "The Process of Environmental Planning", taught by Professor Robert Twiss. This presentation highlighted processes of joint fact-finding, with an emphasis on mobilizing and leading independent scientific review to support environmental planning and regulation, using the Humboldt Watersheds Independent Scientific Review as a case.
- 2009**      **Monterey Bay Aquarium Research Institute (MBARI). Guest lecturer. July 8, 2009.** Presentation entitled "*Mediated Negotiation and Joint Fact-Finding: Can They Help Propel Wise Marine Policy Decisions?*" About 30 researchers in fields ranging from marine biology to marine technology attended the talk. Presentation addressed the application of joint fact-finding techniques to Federal and state marine policy, discussed the potential roles of marine scientists, and outlined some of the challenges of mediating complex marine policy disputes.
- 2008**      **US Institute for Environmental Conflict Resolution Conference. Panelist: "Blue Ribbon Decision Making in California".** This panel examined the unique process model of the California Marine Life Protection Initiative and reflected on lessons learned between the Central Coast and North Central Coast process. May 2008.
- 2006**      **Goldman School of Public Policy, UC Berkeley. Guest lecturer. November 2006.** Presentation "Environmental Mediation: Perspectives from a Reflexive Practitioner".
- California State University Monterey Bay. Guest lecturer. October 2006.** Presentation on Marine Life Protection Act Initiative Central Coast Project to course in new Master's program for Coastal and Watershed Science and Policy.
- Stanford Law School/Northern California ADR Faculty. Guest lecturer, May 2006.** "Teaching Environmental Policy Mediation". Presented to 30 faculty and graduate students from Bay Area law and graduate schools.
- 2005**      **American Bar Association Alternative Dispute Resolution Conference.** Co-Chair, Environment Track, American Bar Association Dispute Resolution.
- Lead Facilitator for Deliberations on the Role of Science, White House Collaborative Conservation Conference, St. Louis, Missouri. August 2005.**

**Moderator and Speaker**, Panel on "Long Lived Collaborative Processes: Managing the Life Cycle." USIECR Conference. Tucson, Arizona. May 2005.

2004 **Department of the Interior University Executive Forums.** Using Joint Fact Finding to Resolve Environmental Disputes. September 21, 2004.

2002 **The California and the World Ocean Conference:** Revisiting and Revising California's Ocean Agenda. Served on the panel "Resolving Coastal and Ocean User Conflicts Through Negotiation: Best Practices for Convening Marine and Coastal Policy Dialogues".

**U.S. Institute for Environmental Conflict Resolution.** Moderated round table on strategic diagnosis and assessment of conflicts. May 2002. Tucson, Arizona.

**American Bar Association Alternative Dispute Resolution Conference.** Presentation: "Possibilities and Pitfalls of Using Joint Fact-Finding Techniques." Seattle, Washington. April 2002.

2001 **Association for Conflict Resolution.** Presentation: "Using Joint Fact-Finding to Level the Playing Field in Environmental Dispute Resolution." Toronto, Ontario. October 2001.

**Third Annual Pacific Rim Participatory Community Design Conference.** Taiwan, June 2001.

1999 **Conference on Environmental Negotiation.** Maale Hahamisha, Jerusalem, Israel, January 20-22, 1999.

**Democratic Design for the Pacific Rim.** Saitama, Japan, June 24-26, 1999.

**Conference on the Future of the Sanbanze Wetlands of Tokyo Bay, Japan.** Chiba University, Chiba, Japan, June 27, 1999.

#### SELECTED PEER-REVIEWED PUBLICATIONS

2010 "Science-based and stakeholder-driven marine protected area network planning: a successful case study from north central California". Gleason, Mary, Scott McCreary, Melissa Miller-Henson, John Ugoretz, Evan Fox, Matt Merrifield, Will McClintock, Paulo Serpa, Kathryn Hoffman. In *Ocean & Coastal Management* 53 (2010) 52-68.

2001 "Refining and Testing Joint Fact-Finding for Environmental Dispute Resolution: Ten Years of Success." In *Mediation Quarterly*. Volume 18 (4). June 2001.

"Applying a Mediation Framework to Integrated Coastal Zone Management". In *Coastal Management*. Volume 29(3):183-216, 2001.

1999 "Resolving Science-Intensive Public Policy Disputes: Reflections on the New York Bight Initiative." In Susskind and McKearnan (eds.) *Consensus Building Handbook*. Sage Publications.

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