

COLLABORATIVE DECISION MAKING AND CONFLICT RESOLUTION FOR THE ALABAMA-COOSA-TALLAPOOSA AND APALACHICOLA- CHATTAHOOCHEE-FLINT RIVER BASINS

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INTRODUCTION

Management of water uses from interstate river basins involves a complexity of competing needs, differing priorities among upstream and downstream users, and different jurisdictional authorities. Resolution of water-related issues in a multi-state environment necessitates: (1) a mutual understanding of the data related to the basins, including both current and projected water supply, uses, and needs; (2) a structure and process for cooperative management and development of regional water resources; and (3) a conflict resolution plan for addressing and resolving water-related disputes.

COLLABORATION IN THE ACT/ACF BASINS

The States of Alabama, Florida, and Georgia and the U.S. Army Corps of Engineers have established a regional water management approach to the Alabama-Coosa-Tallapoosa (ACT) River Basin and the Apalachicola-Chattahoochee-Flint (ACF) River Basin. The complexities of water resource issues in this area are illustrated by the wide range of water needs such as water demand by metropolitan Atlanta, industrial barge activity in Alabama, and commercial fishing and shellfish cultivation in Florida.

In order to provide an agreed-upon basis of information with which to make decisions, these states and the Corps of Engineers have joined together to conduct a three-year Comprehensive Study. The outcome of the study is intended to be a conceptual plan for water resource management of all water resources in the ACT/ACF Basins, including management of federal and non-federal impoundments and reservoirs; an assessment of the existing and future water resource needs of the states within the basins and the extent of water resources available within each basin to service such needs; and an appropriate mechanism(s) to implement the recommendations of the study.

In addition, the four entities have entered into a Memorandum of Agreement which sets forth their commitment to a process for cooperative management and

development of regional water resources and to participate as equal partners in the comprehensive basin-wide study. This agreement sets forth the goal of maintaining an informal medium for discussing issues which might be confronted during the course of the study, conducting negotiations in an effort to reach amicable solutions to questions and concerns raised regarding the water resources in the ACT and ACF basins, and seeking a more formal relationship to resolve long-term water resource management and development issues.

CONFLICT RESOLUTION PLAN

In order to develop a conflict resolution plan to address issues that would arise during the development of the Comprehensive Study and to serve as a model for a permanent conflict resolution plan to resolve water resource disputes following the study, representatives from Georgia, Alabama, Florida, and the U.S. Corps of Engineers-Mobile District participated in a five-day skill-building and decision-making workshop in September, 1992.

Development of Skills and Attitudes

The workshop included training to enhance participants' abilities to approach negotiations from the standpoint of being partners and joint problem solvers. This training included:

- Principles of teamwork, including building trust, defining the team on an inclusive basis, the consequence of negative or adversarial actions, and steps for engaging others in cooperative rather than competitive relationships;
- Attitudes, procedures, and principles of negotiation on the basis of understanding all parties' interests and problem solving to meet those interests;
- Analysis of each state's and the Corps' interests regarding water resources management and allocations;
- Communication skills, including listening for understanding, reframing toxic or positional statements into statements of interests, framing of "I messages," and

framing of issues as joint problems to be jointly solved.

The participants applied the concepts from the training in their development of a Charter that consisted of a statement of the elements, attitudes, and behaviors desired by the group in their pursuit of a "partnering" relationship in the management of the ACT/ACF basins. This Charter set forth their commitment to maintain a working relationship based on mutual trust and respect, to consider each other's interests in an effort to achieve "win/win" solutions, to openly disclose concerns, to raise issues through the agreed-upon process and structure, and to advocate for recommendations made by the group.

Development of a Conflict Resolution Plan

The participants agreed on the importance of resolving conflicts in a timely, systematic way in order to prevent interference with the quality completion of the Comprehensive Study. Training was conducted which identified the range of Alternative Dispute Resolution options, the type of assistance (relationship-building, procedural, and substantive) provided by each option, and the degree of decision-making authority remaining with the parties for each option. An analysis matrix was developed to help the participants assess the relative transaction cost, satisfaction level, effect on the relationship, and durability of settlement factors for each option.

The participants designed a conflict resolution plan which included a set of principles and a flow chart for decision making in the event of disagreements among the parties. The conflict resolution plan involves determination of whether an issue is of a technical or policy nature and the use of internal and external procedural and substantive assistance to resolve issues. The plan identifies decision-points for elevation of an issue to a higher-level decision-making authority. The goals of the conflict resolution plan are to make decisions at the lowest practical level, provide efficient and timely resolution of issues, apply resolution methods which are appropriate to the type of conflict, and avoid decision making on a strictly political basis.

It is anticipated that experience in applying the conflict resolution plan during the life of the Comprehensive Study will lead to refinements for a conflict resolution plan for long-range decision making about water resource management and usage in the basins. The communications and negotiation skills developed during the workshop will help the designated representatives from the three states and the Corps of Engineers as they meet regularly to discuss and negotiate issues related to the study and water management of the basins.