

+ Empowering Leaders Around  
the World to Collaborate,  
Negotiate, and Resolve Conflict



## **Coastal Zone Act Conversion Permits Workshop**

November 29 & 30, 2017



Consensus Building Institute

# About the Consensus Building Institute (CBI)



- We are a non-profit collaborative services organization founded in 1993 and based in Cambridge, Massachusetts.
- We provide services in stakeholder engagement, conflict resolution, and strategic collaboration.
- CBI supported DNREC and the advisory committee who developed the framework for CZA regulations in the late 1990s.
- More about CBI can be found at [www.cbuilding.org](http://www.cbuilding.org).

# Designing the Regulatory Advisory Committee (RAC) Process



DATE	ACTION
October	CBI is retained & CBI/DNREC develop interview list and questions
November	CBI conducts interviews in person and over the phone to gather advice on how best to establish the process for collaboratively developing regulations
Late November	Two public sessions are held to obtain further input
By December 23	CBI issues draft report to all interested stakeholders
By January 19	Public comments on draft report received
January 31	CBI incorporates comments and submits final report to DNREC and all interested stakeholders
February	DNREC reviews CBI final report and begins to establish the RAC

# Interviews

- DNREC invited a number of stakeholder groups to participate in interviews as a preliminary step in the process to develop regulations for Coastal Zone Conversion Permits.
- Initial interviewees were identified by reviewing the organizations who gave testimony to the legislature, and by reviewing the membership of the late 1990s committee and by selecting a representative mix.
- Additional interviewees were suggested in interviews.
- Interviewees included environmental organizations, elected representatives, municipalities, businesses, consultants, and trade associations.

# Interviews (continued)

- CBI conducted 31 interviews (some with individuals, some with small groups from the same or similar organizations) that formed the basis for tonight's agenda and conversations.
- Interviews were conducted on a non-attribution basis, meaning CBI will not quote any individual in our report.
- Two public workshops will provide opportunities for more stakeholders to participate in this part of the process and help ensure greater inclusion and transparency.

# Organizations Interviewed

- American Lung Association
- Brightfields, Inc.
- City of Newark, DE
- Civic League for New Castle County
- Committee of 100
- D2 Management
- Delaware Academy of Medicine/Delaware Public Health Association
- Delaware AFL-CIO
- Delaware Contractors Association
- Delaware City Refining Co, LLC
- Delaware General Assembly
- Delaware Nature Society
- Delaware State Chamber of Commerce
- Delmarva Ornithological Society
- Duffield Associates, Inc.
- Environmental law experts
- League of Women Voters of Delaware
- New Castle County
- Private Citizens
- Sierra Club - Delaware Chapter
- The Nature Conservancy
- Tri-State Bird Rescue and Research
- University of Delaware - Delaware Environmental Institute
- Wilmington City Council

# Role of Comments Tonight



- CBI will take detailed notes during the listening session. These public comments will be summarized in writing and included as an appendix in CBI's report to DNREC.
- Facilitators will take notes during the small group work on flip charts.
- All comments received tonight, along with the earlier interviews, will inform and guide CBI's process recommendations in the report.
- If you would like to make a comment in writing, forms are available.
- DNREC will take these public comments and CBI's report into account as they identify the path forward.

# Listening Session Guidelines



- Each person will have up to 3 minutes to comment.
- Please allow others to speak, too.
  - Please **do not interrupt** others when they are commenting.
  - Honor **time limits**. (A clock reminder is provided.)
- Please **be respectful** of OTHER participants.
  - Please direct comments to issues and organizations, **not individuals**.
- DNREC's role during comment is **to listen**.
- Please silence cell phones to avoid disruptions.

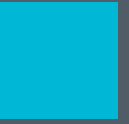


# Listening Session Questions



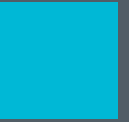
- What are your views on the changes to the Act?
- Given those views, what initial input do you have about developing regulations?

# Comment on RAC Questions



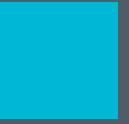
- The three topics to be covered:
  1. Who should be the members of the Regulatory Advisory Committee (RAC)?
  2. How should RAC members be selected?
  3. What should be the role of the RAC in producing regulations?
- For each topic, spaces for responses are on flip charts
- DNREC facilitators are standing by each set of flip charts to answer questions
- Please use PostIt notes and pens to make your comments

# Comment on RAC Questions (continued)



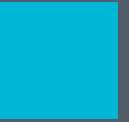
- Topic 1: Additional stakeholder categories? Specific groups/individuals?
- Topic 2: Selection options? Pros/cons of each? (check mark to indicate preference)
- Topic 3: RAC role options? Pros/cons of each? (check mark to indicate preference)
- When the time for posting comments is up, DNREC facilitators will highlight clusters of comments
- For each topic, after the DNREC facilitators have identified clusters, we will have time for a few clarifying comments from participants

# Workshop Approach



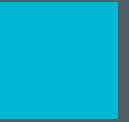
- Work will take place in small groups at the tables
- Each group has a facilitator to support the conversation
- The three topics to be covered:
  1. Who should be the members of the Regulatory Advisory Committee (RAC)?
  2. How should RAC members be selected?
  3. What should be the role of the RAC in producing regulations?

# Small Group Guidelines



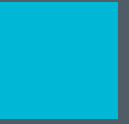
- Please allow others to speak.
- Please be respectful of ALL participants.
- Stay on task with the questions and agenda.
- Please silence cell phones to avoid disruptions.

# Role of the Small Group Facilitators



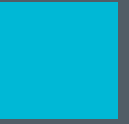
- Pose questions to the group.
- Take notes on flip charts.
  - Type up notes and give them to CBI.
- Help keep conversation on track.
- Ensure everyone has a chance to speak.

# Small Group Round #1: Stakeholder Categories



- **Community** (e.g. counties, municipalities, civic associations, neighborhoods)
- **Environment, environmental justice, and public health**
- **Business and industry** (e.g. statewide groups or trade associations, individual businesses, labor unions, small businesses, and/or their consultants)

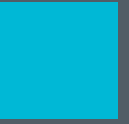
# Small Group Round #1: Questions



- If you are here tonight representing an organization, does your group fit within one of these categories?
- Is there a key stakeholder category that is not covered under the three above?
- Are there key organizations that you think need to be involved in some way in the Committee, especially newer or lesser known groups? If so, please name them specifically.

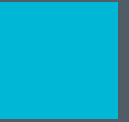


# Small Group Round #2: Selection Options



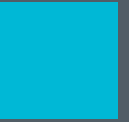
- **Option 1:** DNREC Selects Members
- **Option 2:** Nomination process, then DNREC selects members
- **Option 3:** Another approach

# Small Group Round #2: Questions



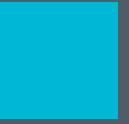
- Is there another approach DNREC should consider?
- What do you see as the merits, pros and cons of each option? Which do you prefer for selecting representatives and why?

# Small Group Round #3: Role Options

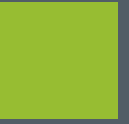


- **Option 1:** Develop draft suggested regulations and provide to DNREC.
- **Option 2:** Provide specific guidance on regulation content and goals.
- **Option 3:** Provide broad principles and options for DNREC to consider in drafting regulations.
- **Option 4:** Provide reactions and feedback to DNREC drafts and process throughout regulatory process. (Note: This strategy may be combined with any of the options above.)

# Small Group Round #3: Questions



- Is there another option DNREC should consider?
- What do you see as the merits, pros and cons of each option?
- Which option do you prefer and why?



**Thank you for  
your input!**