

EPA-Quapaw-Oklahoma Water Quality Assessment and Design

2006-2008

Location: Oklahoma

Background

In early 2006, the Quapaw Tribe, State of Oklahoma, and the U.S. EPA Region 6 (the parties) sought the services of the U.S. Institute for Environmental Conflict Resolution (U.S. Institute) to determine the potential for assisted negotiations in the development of a Cooperative Agreement addressing water quality standards among the State of Oklahoma, the Quapaw Tribe, and the U.S. EPA Region 6. Working with the parties and the EPA Conflict Prevention and Resolution Center (CPRC), the U.S. Institute contracted with J. Michael Harty of Harty Conflict Consulting & Mediation (HCCM) to conduct an assessment and facilitate negotiations between the parties.

The assessment was conducted within the context of two laws: Section 10211 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act of 2005 (“SAFETEA”) and Section 518 of the Clean Water Act (33 U.S.C. §1377), and took into account SAFETEA-LU’s implications for other Oklahoma tribes and EPA’s obligations as trustee. The assessment revealed an interest on the part of the state and tribe to continue negotiations, and it was determined that further third party assistance was not necessary.



Highlights/Innovation

- The Tribe and State approached initial discussions directly, relying on senior decision makers who were familiar with all key issues and able to make commitments.
- The assessment identified key factors that are likely to affect prospects for a successful negotiation between the Tribe and State. These include: a determination by the Tribe and State that a Cooperative Agreement aligns with their core interests; successful management of low trust between the parties; committed leadership on the part of both the Tribe and State.

Results and Accomplishments

The assessment identified:

- (1) A set of factors likely to influence prospects for negotiating a Cooperative Agreement;
- (2) A set of process choices for EPA, including ways to effectively coordinate between Headquarters and Region 6 on review of a draft Cooperative Agreement and Treatment as State; and
- (3) A determination that the State and Tribe can work effectively together without third party assistance, based on U.S. Institute and HCCM observations and interactions with the parties during the assessment.

Credits

Partner from National Roster of ECR Practitioners

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