

Interim Annual Report

Facilitating the Tenkiller Utilities Authority Public Water Decision Project
Oklahoma Water Resources Research Institute (2003OK19B)
July 29, 2004

The Institute of Issue Management and Alternative Dispute Resolution (IIMADR) was created within the OSU Seretean Wellness Center by Oklahoma Statutes (70 O.S. §3430) enacted by the Oklahoma Legislature in the spring of 2002. According to this statute, IIMADR provides:

Issue management and alternative dispute resolution services and activities for agriculture, rural living, agribusiness, environmental, natural resources, and rural business or industry issues. The Institute is authorized to deliver issue management and alternative dispute resolution services and related activities to individuals, organizations, local, state, and federal government agencies, Native American tribes, and others that have an interest in or need for such services and activities.

The scope of services that IIMADR may provide to these entities include: collaborative discussion, deliberation, issue management, conflict prevention, dispute resolution, communication, training, and decision making. IIMADR was also charged with operating the Oklahoma Agricultural Mediation Program (OAMP) and the program is housed within the Institute.

The U.S. Army Corps of Engineers assessment report of 2001 found that the three-county Lake Tenkiller region of northeastern Oklahoma lacked adequate water storage and distribution capacity to serve the current population of the region. The region's population is projected to increase rapidly due to the desirability of the area as a retirement and recreation location.

At the same time that the region has exceeded service capacity, Lake Tenkiller's water quality has been affected by concentrated animal production, increased wastewater discharges, and the demands of industrialization within the watershed. The region was traditionally the poorest area in the state of Oklahoma and any economic development no matter how adverse was welcomed by the local citizens. By the 1980s the degradation of water resources had become apparent. In 1992, the Oklahoma Legislature enacted a resolution establishing a commission to investigate methods for solving the dilemma of natural resources and economic development in eastern Oklahoma.

Two municipal water systems and over thirty rural water districts serving nearly 100,000 people in this region participated in establishing the Tenkiller Utilities Authority (TUA) as a trust in 1995. The concept of the TUA was to centralize water supply and treatment for the region's water systems. The purpose of the TUA project is:

1. serving to prevent political units from competing for water storage, water rights, and the struggles for independent funding and compliance;
2. creating collaboration and partnering for the benefit of the entire the region;
3. preventing costly litigation and harsh competition among resource-strapped government offices; and

4. generating more productive, direct methods of addressing both social and economic issues.

For nearly a decade the TUA floundered as parties attempted to work together and vied for state and federal government grants to fund the project. Two years ago, TUA contacted IIMADR for the purpose of facilitating a dialog among the various participants. The mission of IIMADR, mandated in its enabling legislation enacted by the Oklahoma Legislature, was well-suited for providing needed direction to the TUA project.

Project Objectives

The project proposal outlined a statement of critical regional or state water problem; a statement of results or benefits and the nature, scope and objectives of the project; established a timetable for the project; outlined methods, procedures, and facilities of the project; and commented on related research and training potential.

Among the objectives outlined in the project proposal, IIMADR was responsible for:

1. assembling various data related to the project, based on geographical considerations, political boundaries, population densities, natural resource availability, census figures and other published projections, and developing computer data bases for use by the stakeholders;
2. assembling and neutrally disseminating contact data on and for stakeholders choosing to join in the IIMADR efforts;
3. planning, organizing, marketing, publicizing, and convening preliminary stakeholder meetings regarding TUA's water project, its long-term planning and cost recovery, and all facets of construction;

4. surveying and documenting consumer preferences and other stakeholder dynamics involved in the project; and,
5. neutrally engaging stakeholders in the direction and scope they choose to take the project.

Research Methodology

The purpose of this research was to evaluate the application of the issue management processes to avert a regional water dispute involving the Lake Tenkiller Utilities Authority, a public water supply, treatment and distribution system in northeastern Oklahoma. The study is within the mandate of the original grant application (2003OK19B) to “survey and document consumer preferences and other stakeholder dynamics within TUA’s project.”

The research methodology utilized for the evaluation was the case study method. A case study is a qualitative research method that is useful for the study of an organization, program, or project and understanding the effectiveness, interaction or dynamics of the organization, program or project.

The research question to be addressed is: How did the utilization of the issue management process work in averting a water supply dispute in the Lake Tenkiller region?

The research will provide funding agencies, facilitators, and scholars of facilitation and conflict resolution efforts a case study of the successes, weaknesses, opportunities, and threats of a facilitation of a dispute over natural resources in a rapidly-developing rural area. Research findings may also be used by the participants of the study and their agencies in future facilitation processes.

There were two groups of stakeholders in the Tenkiller Utilities Authority asked to participate in the study. One group consisted of members of the board of directors of the Tenkiller Utilities Authority who were directly involved in the facilitation process. A second group consisted of policy-makers who serve on the governing bodies of the municipalities and rural water districts within the region. These agencies selected representatives that served on the Authority's board of directors.

Interviews of Group I were conducted in November and December 2003 and in January 2004. The sampling method employed in this study was critical case sampling. Critical case sampling is a qualitative design method that permits logical generalization and maximum application of the sample case to other cases. Group I consists of all 30 members of the board of directors of the Tenkiller Utilities Authority. The Tenkiller Utilities Authority board members yielded the most information on issue management and had the greatest impact on the development of knowledge in the field of issue management.

Group I participants were interviewed in a face-to-face interview with open-ended questions. The interview was the standardized open-ended interview approach. The interview instrument consisted of questions that were written in advance of the interview. The exact interview instrument used in the evaluation was available for inspection by those who will use the findings of the study. All of the interviews were conducted in the individual offices or homes of the study participants.

The interviews were taped. After the interviewer returned to the IIMADR office the tapes were transcribed along with field notes from the interviewer about the interview.

The interview transcripts were analyzed by assigning codes to contiguous units of the transcript text. The coding marked off fixed units of the text for later retrieval and indexing. Analytical statements were developed out of the coded transcripts.

Meeting Project Objectives

IIMADR according to the following narrative met the objectives of the IIMADR

Tenkiller project proposals:

Objective One: Project Data Base

- Assembling various data related to the project, based on geographical considerations, political boundaries, population densities, natural resource availability, census figures and other published projections, and developing computer data bases for use by the stakeholders.

IIMADR met this objective by providing information to stakeholders at facilitation meetings, bringing together engineers and other natural resources and/or consultants to provide consultation to the TUA Board of Directors, and coordinating the flow of information to federal and state policymakers. IIMADR was credible as a neutral party. The Institute was credible because it was associated with OSU. Its neutrality put those involved at ease. It discouraged participants from having “an attitude.” Some participants hoped involvement with IIMADR would bring in grant money to their project.

A board member observed how IIMADR’s data base was appreciated by the stakeholders: “[The IIMADR program manager] being an errand boy to the various agencies which none of us had the time or effort or initial contact to make these contacts with Oklahoma water systems and congressional representatives.”

Objective Two: Stakeholder Contact Data

- Assembling and neutrally disseminating contact data on and for stateholders choosing to join in the IIMADR efforts.

IIMADR met the second project proposal objective by developing and maintaining a computerized data base on the stakeholders of the TUA project for use by all stakeholders.

Board members interviewed in the project evaluation used phrases and terms such as “credibility”, “disinterested party”, “expertise”, and “made them feel comfortable”, in describing how they felt about turning over information about themselves to IIMADR. IIMADR’s “disinterested third-party” status enabled “getting information out of people” and facilitated the “communications process”.

Objective Three: Stakeholders’ Meetings

- Planning, organizing, marketing, publicizing, and convening preliminary stakeholder meetings regarding TUA’s water project, its long-term planning and cost recovery, and all facets of construction.

IIMADR met the third project objective by conducting two facilitation meetings in Tahlequah, Oklahoma in 2003. IIMADR, especially with the help of IIMADR’s program manager, got people talking, brought them closer together, and gained higher visibility for the project. The meetings were attended by all of the stakeholders interested in TUA and the IIMADR facilitation process. Participants in the facilitation process believed that the preliminary stakeholder meetings helped focus the board members and was an

impetus for coalescing the members who represented the participating water systems for work on implementing the TUA concept.

A participant at one of the meetings, a representative of an interested federal agency, stated “you [IIMADR] did some of the due diligence in terms of trying to find out where things are, where all the different parties saw it, and where you needed to go...I think things have a better chance of happening now than they did a year ago.”

Another participant commented:

The facilitation at least got the project moving...[it] got us looking at the project from a regional standpoint as opposed to what Cherokee Nation might think instead of just more of an idea of what could we do to benefit the entire area from utilization of Tenkiller water.

Objective Four: Consumer Preferences and Stakeholder Dynamics

- Surveying and documenting consumer preferences and other stakeholder dynamics involved in the project.

IIMADR accomplished Objective Four of the project by conducting an evaluation of the TUA facilitation project. The results of the evaluation were not always flattering for the Institute. The perception was IIMADR seemed to come late to the Tenkiller process and some participants found that, at first, it was not clear why they were involved in the process. Some of the issues of the TUA facilitation process were not fully covered, other issues were missed due to time constraints, and IIMADR was not always easy to reach by TUA stakeholders.

IIMADR's credibility as a neutral third-party made it easy for the Institute to gather data but, according to one informant, stakeholders “had a little problem understanding

why they were there and what it was they were hoping to accomplish.” The overwhelming perception in the words of one board member was IIMADR’s presence was to “have the funds for us.”

The IIMADR headquarter’s distance from and travel time to the Tenkiller area was another factor in consumer dissatisfaction with the Institute. A stakeholder admitted:

It seems like they’re pretty well overloaded...we’ve tried to access [the IIMADR program manager] a few times and he was out of pocket and that gets a little frustrating...with any type of situation like this they are 150 miles away and not right here in the community, per se, I think...a weakness [is] in the speed in which the information could get to the people...I don’t think that any agency that is not involved from the word go could go out here and communicate totally to the people what they’ve done and what the project is all about and being able to get back their feelings in a, should I say, systematic manner which could be transmitted into a working project.

Objective Five: Engaging the Stakeholders

- Neutrally engaging stakeholders in the direction and scope they choose to take the project.

IIMADR met the objective of engaging the stakeholders and directing them toward a goal or resolution for the project. Respondents in interviews believed that IIMADR brought people together to exchange information, brainstorm, find common ground, and move a once stalled project forward. TUA members appreciated the neutrality that IIMADR contributed to resolving impasses. He observed “basically you [IIMADR] come in as a third party and try to brainstorm solutions and manage them, I guess go through a process and break a logjam and bring something in to a point where it can be resolved.”

The IIMADR involvement pushed the stakeholders to choose a direction for the program that many of the stakeholders believed they had the training to accomplish.

The engagement helped to develop direction for stakeholders as one board member describes:

We had a bunch of people at that meeting who were workers in the rural water district...As a result they were just ordinary people and we were just ordinary people and we really did lack what I consider the ability to somehow mount an effort by someone to make this go. We just met and couldn't ever get it together. Jim Wilson came into that meeting, who is the state representative here, and that was one of the things he suggested that we somehow get off the pot and get moving and this had been going on for years and we just didn't seem to get it together and it was kinda discouraging to me that we really needed some help from someone who could give us help.

IIMADR enabled the stakeholders to develop a vision for the TUA project, in the words of one board member, "by assembling people and getting information from people that would assist in better understanding what the project is about, how its going to be implemented, and how it could be carried out."

Another stakeholder attributed a large role to IIMADR in providing guidance, stating, IIMADR was "probably a guiding light here...someone that we [could] come to and request assistance and [it was] there to give it to us."

The neutral engagement in assisting TUA participants in choosing a direction for the project was observed by one stakeholder as follows:

Well it could be a lot of different things depending on the situation. [The IIMADR program manager] has on two occasions facilitated different agencies, different groups, employees as well as politicians being there...[T]hat facilitation part is what I appreciate.

The IIMADR facilitation process helped board members to see a workable program for the TUA project. Still another board member commented:

In my opinion, [IIMADR was] trying to be a catalyst to progress, bringing information out to all the members . . . getting other people involved and getting people talking . . . [Knowing] that there was money here and . . . that there was a research project

available with money to extend farther into the government, did give validity, that hey, this maybe is gonna go!

Timetable

The IIMADR activities specified in the timetable of overlapping activities were accomplished within the specific time periods.

Methods, Procedures, and Facilities

IIMADR utilized methods, procedures, and facilities for carrying out the project objectives in accordance with those methods, procedures, and facilities specified in the project proposal.

Related Research

The IIMADR project in conjunction with the Tenkiller Utilities Authority and the evaluation of this project were designed to add to research on the utilization of alternative dispute resolution processes relative to public sector utility projects in Oklahoma. Journal articles, conference presentations, and other publications will be developed from the data generated by this case study.

Training Potential

The IIMADR project, "Facilitating the Tenkiller Utilities Authority Public Water Decision Project," provided opportunities for graduate and undergraduate students to be involved in the design, management, and business topics associated with environmental, economic, and other public utilities issues impacting eastern Oklahoma.

The project provided contacts for additional research in issue management and alternative dispute resolution and in related interdisciplinary studies.

Final Considerations

The evaluation of the TUA facilitation process was a qualitative study involving TUA board members and other TUA stakeholders who had firsthand knowledge of IIMADR activities. The study involved in-depth interviews with open-ended questions written in advance of the interviews and with follow-up questions to clarify responses.

A further research opportunity exists to expand the data by administering a Likert-scale survey. This qualitative survey would be administered to an expanded sample consisting of water system policymakers who are potential wholesale consumers of TUA and a sample of retail customers of the water systems themselves. This proposed study would generate in-depth data on the preferences and dynamics of proposed users of the TUA project.