

Case Study of the Platte Cooperative Agreement

Issues

The Platte Cooperative Agreement, between Colorado, Nebraska, Wyoming, and the U.S. Department of the Interior, created a basin-wide initiative to address recovery of endangered species and the need for water for diverse uses.

The alternative to a negotiated agreement would be a return by the federal agencies to a project-by-project approach that developed separate measures to offset impacts on species. This option had a high probability of costly reviews and environmental mitigation measures that would require federal permits, licenses, or funding.

In negotiations the parties reached a number of impasses, which they were unable to resolve on their own. Sessions were packed with multiple representatives, legal counsel, and technical staff. Bargaining was often characterized by long and inconclusive discussions, adversarial behavior, and significant disagreement over technical data. Two states were at extreme odds on proposed flows and the potential impacts. The states also were not in agreement with the U.S. Department of the Interior on a number of contentious issues. At one point, one of the parties walked out, raising serious questions as to whether a negotiated settlement was even possible.

Mediators from CDR Associates were called in to assist in breaking deadlocks.

Process

After talking with all parties and conducting a brief situation assessment, CDR determined that each party needed to conduct an internal cost/benefit analysis. The evaluation helped them determine whether potential outcomes "away from the table" were preferable to what they might achieve through continuing talks.

Upon gaining a commitment from all parties to return to negotiations, CDR limited participation in the next few sessions to just the small governance committee. CDR also mediated private problem-solving meetings between the states to address and settle their issues and to prepare for negotiations with the federal agencies.

Before multilateral negotiations resumed, CDR proposed productive procedures for discussing issues, managed communications to avoid adversarial behavior, and limited technical and legal staff to brief presentations, after which the principals returned to private sessions for deliberations. After just a few joint sessions, the parties reached consensus on the river and transboundary flows, and productively addressed other issues on their own.

Players

- States of Colorado, Nebraska, and Wyoming
- U.S. Department of the Interior

Results

The negotiators struck an agreement, which has been submitted for approval to the governors of the three states and to the U.S. Department of the Interior.