

1                   **Influences on Stakeholder Participation in Water Negotiations:**  
2                   **A Case Study from the Klamath Basin**  
3

4 In water governance, where problems are controversial and value laden, different forms  
5 of stakeholder involvement have become common and are frequently required.

6 Stakeholder participation is often recognized as fundamental to the legitimacy and  
7 success of negotiated environmental decisions, but the intricacies of why stakeholders  
8 participate has received less attention. We examine factors that influenced stakeholder  
9 participation in the Klamath Basin Restoration Agreement and Klamath Hydroelectric  
10 Settlement Agreement of 2010. The research draws on in-depth, semi-structured  
11 interviews of a sample recruited from stakeholder organizations in the Klamath River  
12 Basin. Results indicate that previous negative experiences did not translate into non-  
13 participation; divisions within seemingly aligned stakeholder organizations encouraged  
14 some stakeholders to participate and others to actively oppose negotiations; stakeholders'  
15 perceptions of power differentials both encouraged stakeholder participation and  
16 exclusion in negotiations; and concerns about relationship development during  
17 negotiations suggests that relationship building may be viewed as part of the negotiation  
18 process.

19  
20 Keywords: stakeholder participation, water governance, natural resources collaboration,  
21 Klamath Basin, environmental conflict  
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23 With increasing demands on natural resources, many water planning and management  
24 problems have become far more complex, uncertain, and difficult. Decision-makers  
25 tasked with a growing number of *wicked* natural resource problems around the world  
26 have to not only devote their attention to the technical, scientific, and economic elements  
27 of water management, but also navigate political, social, and cultural factors (Lachapelle  
28 et al. 2003). As a result, stakeholder participatory processes have gained international  
29 recognition in water governance as the preferred strategy for its potential to produce more

1 effective, supported, and durable management outcomes (Delli Priscoli 2004; Kenney  
2 1999; Susskind 2013).

3         In Europe for example, participatory processes in water planning are mandated  
4 (European Union 2000). Similarly, in Australia the National Water Quality Management  
5 Strategy, a nationally agreed upon set of policies and processes considers participation  
6 critical to implement water management plans (Australian and New Zealand  
7 Environment and Conservation Council and Agriculture and Resource Management  
8 Council of Australia and New Zealand 2000), and in the United States, federal and state  
9 agencies have integrated participatory processes into many different applications of  
10 environmental management (Environmental Protection Agency 2003).

11         For the purposes of this study participation or participatory negotiations are  
12 characterized by the “direct involvement of an array of people in the decision-making and  
13 implementation of water policy or management,” and at a minimum, “involves  
14 individuals and/or collectives having an opportunity to express their voices and articulate  
15 their arguments in a public forum” (Berry and Mollard 2010). Stakeholders include  
16 interested and/or affected parties, including both governmental and non-governmental  
17 representatives (Sabatier et al. 2005). Participatory water negotiations may be a direct  
18 result of community interests, the result of an agency’s effort to involve local  
19 stakeholders, or a complex conglomeration of both, but typically involves face-to-face  
20 negotiations.

21         Much of the literature on participatory processes has focused on the benefits  
22 (Beierle and Cayford 2002; Maggioni et al. 2012; Susskind 2013; Weber 2003;  
23 Wondolleck and Yaffee 2000), best practices (Beierle and Cayford 2002; Reed 2008;

1 Susskind 2013), challenges (Brunner 2002; National Research Council 2008; Weber  
2 2003), evaluation approaches (Rowe and Frewer 2000, 2004; von Korff et al. 2012), and  
3 more recently the design of participatory processes in differing contexts (von Korff et al.  
4 2012; Creighton 2004). Nonetheless, the question of what influences a diverse set of  
5 stakeholders to engage in participatory negotiations and sustain engagement remains on  
6 the agenda (Berry and Mollard 2010). Too often stakeholder involvement is assumed to  
7 be appropriate, with little consideration as to who is being represented or why they stay  
8 involved in negotiations (Berry and Mollard 2010). Because water is a part of the power  
9 relationships of everyday life, it is subject to social struggles along class, gender, ethnic,  
10 political, economic, and other lines of access and control (Delli Priscoli 2004;  
11 Swyngedouw 2004). It remains important to investigate the dynamics which bring and  
12 keep specific stakeholders involved in negotiations, along with what drives them away.  
13 Furthermore, the emergence of more complex natural resource conflicts around the  
14 world, coupled with the call for greater participation, suggests the need for more nuanced  
15 understandings about why stakeholders participate in these processes (Sabatier et al.  
16 2005). The objective of this research is to examine factors that influence why  
17 stakeholders participate in water negotiations. This research is based on a case study of  
18 the 2010 Klamath Basin Restoration Agreement (KBRA) and the Klamath Hydroelectric  
19 Settlement Agreement (KHSA).

20 Water conflicts and resource allocation disputes have plagued the Klamath River  
21 Basin of northern California and southern Oregon since at least the development of a  
22 federal water project in 1905 (Powers et al. 2005). More recently, these conflicts have  
23 served as a symbolic rallying cry for people on all sides of the debate about water rights

1 allocation, environmental protection, and hydropower development. Such seemingly  
2 intractable conflicts necessarily involved a wide variety of stakeholders, many with  
3 serious interests, deep-seated values, and a skepticism about compromise. Nonetheless, a  
4 participatory, stakeholder-driven process produced two negotiated agreements in 2010:  
5 the KBRA and KHSAs, which have been posited by some as generating an historic peace  
6 on the river (Gosnell and Kelly 2010).<sup>1</sup> An analysis of the negotiations for the restoration  
7 agreements, which developed out of severe, longstanding conflicts, and included a  
8 complex and diverse set of stakeholders, provides the opportunity to study factors that  
9 influenced why stakeholders participate. This study elaborates on four factors that seem  
10 critical when negotiations start from severe conflict: 1) past experiences with negotiations  
11 or water resource allocation issues; 2) personal values and identity; 3) political and  
12 geographic context; and 4) relationship building.

13

#### 14 ***Klamath Basin Background***

15 Conflict in the Klamath Basin is not new. While the media often painted natural resource  
16 debates in the simplistic fashion of *fish versus farmers*, the conflicts in the Basin are more  
17 complex (Doremus and Tarlock 2008). The conflict encompasses the five components of  
18 the *Circle of Conflict* common in many natural resource disputes, which Delli Priscoli  
19 and Wolf (2009) suggest as a means to diagnose or describe the cause of disputes in a  
20 given situation: disagreements over data; relationship conflicts between stakeholders;  
21 both perceived and actual incompatible interests; competing values and ideologies; and  
22 structural conflicts extending across political, social, and physical boundaries. In the

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<sup>1</sup> Current implementation issues and vocal opposition towards the agreements, however, has generated questions regarding the agreements and their development.

1 Klamath Basin attempts to negotiate these challenges and uncertainties have taken  
2 divergent strategies: strict application of law; absolute faith in science; infusions of  
3 emergency federal money; and stakeholder negotiations. Taken alone, none of those  
4 strategies has produced a lasting solution, but all have, in some way, influenced the  
5 conflict.

6         The Klamath Basin drains a lightly populated region, traveling 263 miles before  
7 emptying into the Pacific Ocean off the northern California coast (Powers et al. 2005).  
8 For water management purposes, the watershed is divided into Lower and Upper River  
9 Basins. Both the Upper and Lower Basins are nearly equal in size, but they are  
10 geographically, biologically, and socially distinctive and are isolated from each other.  
11 The Upper Basin lies largely above and east of Iron Gate Dam and is primarily in  
12 Oregon. The Lower Basin lies between Iron Gate Dam and the Pacific Ocean and is  
13 primarily in California. Roads in the region are few and the economies of the Upper and  
14 Lower Basins depend on different drivers (Doremus and Tarlock 2008).<sup>2</sup>

15         PacifiCorp operates the Klamath Hydroelectric Project, beginning upstream with  
16 Link River Dam near the town of Klamath Falls and ending with Iron Gate Dam. The  
17 license for the Klamath Hydroelectric Project expired in March 1, 2006 and prior to the  
18 license expiration the Federal Energy Regulatory Commission (FERC, which oversees  
19 dam re-licensing) along with PacifiCorp convened stakeholders including tribes,  
20 environmental groups, irrigators, fishermen, and federal and state agencies from all over  
21 the Basin to negotiate terms for re-licensing (Gosnell and Kelly 2010). In order to renew  
22 a license, dam operators must demonstrate compliance with existing laws such as

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<sup>2</sup> For a more detailed historical account of the water issues and stakeholders associated with the Klamath Basin see Doremus and Tarlock (2008) and Most (2006).

1 Endangered Species Act and the Clean Water Act. To comply with laws not in place at  
2 the time of the original license, PacifiCorp would have to mitigate impacts on listed  
3 species, address blocked fish passage and water quality impacts, among other concerns  
4 (Doremus & Tarlock, 2008).

5 In conjunction with the hydropower negotiations federal agencies and other  
6 stakeholders conducted environmental reviews and evaluations of PacifiCorp's license  
7 application and in 2006 the Fish & Wildlife Service along with others developed fishway  
8 prescriptions under the Federal Power Act section 18 requiring unaided passage at all  
9 dams. PacifiCorp objected to these prescriptions, but ultimately lost in front of an  
10 administrative law judge.

11 During the FERC re-licensing process discussions between PacifiCorp and  
12 stakeholders grew difficult. Many stakeholders in the Basin advocated for dam removal  
13 to address the fish passage mandate, while PacifiCorp favored maintaining the dams,  
14 even after a 2007 Environmental Impact Statement estimated mitigation costs at over 300  
15 million dollars. The meetings morphed into an extended caucus – without PacifiCorp –  
16 that eventually became the Klamath Settlement Group (KSG) (Gosnell and Kelly 2010).  
17 Stakeholders decided the issues outside of hydropower and dams were too numerous and  
18 too complex to negotiate in conjunction with the dam issues and many members of the  
19 extended caucus believed that if they could forge an agreement that dealt  
20 comprehensively with most of the driving conflict issues in the Basin, then they could  
21 turn back to the dam issues with far greater political capital to pressure a settlement that  
22 would include dam removal (Gosnell and Kelly 2010). The KSG was endorsed by the  
23 Bush Administration and given funding and resources for a facilitator and to acquire

1 scientific information to support the negotiations (Gosnell and Kelly 2010). During the  
2 KBRA settlement negotiations the FERC re-licensing process was halted allowing  
3 PacifiCorp to operate the Project under the authority of FERC with annual licenses that  
4 are equivalent to the expired license (which, at the time of this writing is still occurring).

5         The KSG worked on the KBRA negotiation, which followed a consensual model  
6 and produced a settlement framework in 2007. Several stakeholders decided they were  
7 not satisfied with the proposed settlement and those stakeholders were asked to leave the  
8 negotiations (Gosnell and Kelly 2010). A draft of the KBRA was released in January  
9 2008, which was designed to support fisheries; sustain agricultural irrigation and other  
10 water uses (including for power generation); and broadly support sustainability and  
11 public welfare throughout the Basin (KBRA 2010).

12         After the completion of the draft KBRA, the state governments of California and  
13 Oregon, the federal government, and PacifiCorp negotiated an agreement in principal for  
14 dam removal (in response to the KBRA), which would eventually become the KHSA  
15 (Gosnell and Kelly 2010). Many parties supported the agreement, but the final agreement  
16 had to be developed in a process that had many stakeholders. To accomplish this, a new  
17 forum was convened to sort out the details of the KHSA between November 2008 and the  
18 release of the final agreement in September 2009 (Gosnell and Kelly 2010). When  
19 finalized, the KHSA laid out the process for additional studies, environmental review,  
20 and a decision by the Secretary of the Interior regarding whether to remove four  
21 PacifiCorp dams (KHSA 2010).

22         On January 7<sup>th</sup>, 2010 the final drafts of the KBRA and KHSA (which are  
23 companion agreements) were released and on February 18<sup>th</sup>, 2010 the agreements were

1 signed by many of the participating parties. The KBRA was signed by 45 organizations  
2 representing the affected states, counties, parties related to the Reclamation Project,  
3 Upper Klamath irrigators, tribes, and other parties, including fishing organizations and  
4 environmental conservation groups (KBRA 2010), the KHSA agreement was also signed  
5 by the same 45 parties, as well as PacifiCorp and the federal government (KHSA 2010).

6       Some aspects of the KBRA and KHSA agreements require congressional action  
7 to move forward, although federal agencies have authority to implement some provisions  
8 of the agreements. If Congress approves the requisite federal legislation, the Secretary of  
9 the Interior would proceed to a determination of whether dam removal is in the public  
10 interest. If the requisite federal legislation is not approved the FERC re-licensing process  
11 will recommence. At the time of this writing, congressional approval has not occurred.

12

### 13 ***Factors Influencing Participation***

14 Factors influencing stakeholder participation in negotiated watershed agreements are  
15 numerous (Beierle and Cayford 2002; Lubell 2004; Tuler et al. 2002). Tuler et al. (2002)  
16 identified three broad characteristics associated with stakeholder participation in  
17 negotiated watershed agreements: (1) the negotiation process itself, (2) the character of  
18 individual stakeholders, and (3) the context of the environmental conflict. Within these  
19 three characteristics a multitude of themes affecting stakeholder participation are present.

20       Substantial research has been done on the first of these characteristics – the  
21 negotiation process. For example, research by Tuler et al. (2002), Leach and Pelkey  
22 (2001), and Reed (2008) addressed the role of objectives in negotiations as they influence  
23 stakeholders interest in participating. Sabatier et al. (2005), Reed (2008), Bohnet (2014),

1 and Lepage and Milot (2010) addressed the importance of procedural legitimacy as a  
2 factor in stakeholders decisions to negotiate, including appropriate representation of  
3 stakeholders, addressing the full range of concerns, maintaining transparent processes,  
4 and insuring genuine consent in decision-making. Bingham and Bourget (2011), Tuler et  
5 al. (2002), and Dukes (2004) discussed the need for adequate staffing, budgets, and  
6 resources to support negotiations. Smutko et al. (2002) and Bingham and Bourget (2011)  
7 identified time as a factor influencing stakeholders' willingness to participate in  
8 negotiations, in terms of the timing of meetings, the availability of stakeholders' time for  
9 negotiations, and how the elapsed time from decision-making to decision effect  
10 influences stakeholder willingness to negotiate.

11 In this study we narrowed our focus to the two other characteristics identified by  
12 Tuler et al. (2002): characteristics of individual stakeholders and the context of the  
13 conflict, as a means to highlight more salient findings in our research resulting from the  
14 severe and sustained conflict present in the Klamath Basin case. We divided the second  
15 characteristic discussed by Tuler et al. (2002) – characteristics of individual stakeholders –  
16 into two separate factors: 1) past experiences and 2) personal values and identity.

17 People's previous experiences influence their decision to participate and whom  
18 they trust. The level of trust for other stakeholders and the reputation or personalities of  
19 other stakeholder groups are taken into account by potential stakeholders when deciding  
20 whether to participate or not (Sabatier et al. 2005; Tuler et al. 2002). Lubell (2004) found  
21 farmers' trust in local government to be a positive influence on participation and,  
22 conversely, mistrust of local officials had the potential to hinder farmer participation.  
23 Rudeen et al. (2012) found that failure to reach consensus in a participatory-based

1 decision-making process resulted in participant burnout and a reluctance to collaborate on  
2 other projects, suggesting that past experiences with negotiations of a similar type, for  
3 better or worse, may also influence participation.

4           Personal values and identity have the potential to influence why stakeholders  
5 participate in negotiations. Sabatier et al. (2005) found that one reason people participate  
6 in negotiations is because of a belief that it has the potential to enhance the public good  
7 by improving local conditions for the community. So, civic duty or a sense of  
8 environmental stewardship may contribute to a willingness to participate in negotiations.  
9 Rowley and Moldoveanu (2003) described how social identity can affect stakeholders'  
10 participation in negotiations; for example, stakeholder organizations with members who  
11 value a common identity and feeling of solidarity may be motivated to act on this social  
12 identity, regardless of whether they expect to have a noticeable impact on the process.  
13 Fisk et al. (2010) and Forline and Assis (2010) discussed the powerful impact that outside  
14 supporters (i.e., indigenous coalitions, allies from the media, and nongovernmental  
15 organizations) may have on the outcome of water negotiations, suggesting that aligning  
16 personal values and identities with others who are not stakeholders may influence the  
17 relations of power in participatory negotiations.

18           The context of the conflict may influence stakeholder willingness to negotiate and  
19 this includes two specific factors: 1) the political and geographic context, and 2)  
20 relationship building. A variety of factors that influence stakeholder participation are  
21 linked to larger political, economic, and geographic contexts. For example, the length of  
22 term of elected officials is a feature of the political landscape in which participatory  
23 processes occur. Swyngedouw (2004) stressed the interconnectedness of social and

1 physical environments, suggesting that the ways stakeholders participate in negotiations  
2 are not independent of historical, social, political, economic, and geographic conditions.  
3 Schlager and Blomquist (2008), Paasi (2009), and Zimmerbauer (2011) emphasized the  
4 development of political, social, and geographic boundaries in environmental and  
5 watershed initiatives and the associated implications of boundary creation, which may  
6 include problems with naturalizing boundaries, how boundaries ascribe more credibility to  
7 some stakeholders than others, and how boundaries may be exclusionary. More generally,  
8 participation in water negotiations is constructed through relationships of power and  
9 negotiations are seldom able to curb power and in some cases may not even reveal power  
10 dynamics (Berry and Mollard 2010; Wilson and Perret 2010).

11 Relationships in participatory processes have mainly been discussed in terms of  
12 the ability of participatory processes to transform relationships between conflicting  
13 parties and promote social learning. D' Estrée and Colby (2004) emphasized the  
14 transformative nature that participation can have on relationships between stakeholders  
15 and described how stakeholders may approach subsequent negotiations differently.  
16 Hoverman et al. (2011) highlighted how participants in water management negotiations  
17 came away with a better understanding of the other parties' interests and perspectives and  
18 stereotypes were broken down. Development of relationships may also enhance  
19 stakeholders' perceptions of the outcomes, even if desired results were not achieved  
20 (Foley 2007; Rudeen et al. 2012).

21 Moving forward from this body of literature, this study seeks to better understand  
22 what influences why stakeholders, from the grassroots to policy elites, participate in water  
23 negotiations.

1

2 ***Methods***

3 This study employed qualitative research methodology and grounded theory. The primary  
4 source of data is twenty-two semi-structured interviews conducted between October and  
5 December 2012 with various stakeholders that participated in some capacity in the  
6 KHSA/KBRA negotiations. Study stakeholders included both stakeholders from amongst  
7 the 45 parties in the restoration agreement negotiations, as well as stakeholders not  
8 represented by the KBRA/KHSA due either to a decision not to sign the agreements or  
9 involuntary exclusion from the agreements. Study participants were identified by  
10 consulting the signed KBRA/KHSA, which breaks signatories down into eight categories  
11 of representation (see KBRA, 2010; KHSA, 2010) and those listed in the media as  
12 stakeholder groups publicly opposed to the agreements.

13 Study stakeholders consisted of representatives from the four major Tribes in the  
14 Basin (the Yurok, Karuk, Hoopa, and Klamath Tribes); parties related to the Reclamation  
15 Project; irrigators; commercial fishing representatives; environmental organization  
16 representatives; federal agency representatives (Fish and Wildlife Service, National  
17 Marine Fisheries Services, and Department of Interior); state agency representatives  
18 (Oregon and California); and the hydropower dam owner (PacifiCorp). We were able to  
19 interview, at minimum, one representative from the above groups with the exception of an  
20 Oregon state representative. Interview questions were directed towards the stakeholder's  
21 background in relation to the negotiations and the dynamics of their participation in the  
22 negotiation process.

23 Data analysis consisted of the development of a basic list of initial codes, or labels,

1 that expanded as the interviews continued. Label construction was inductive during the  
2 initial phases of analysis (Charmaz 2006). After an initial pass, more focused coding was  
3 done by grouping and sifting similar labels to synthesize and explain larger segments of  
4 data (Charmaz 2006). This was then followed by theoretical coding, which entailed  
5 specifying possible relationships between categories developed in the previous focused  
6 coding process. The theoretical coding process involved moving between an inductive and  
7 deductive approach so as to identify primary themes that emerged from data that also were  
8 found in the stakeholder participation literature but without sacrificing the initial openness  
9 of a qualitative approach. Throughout the labeling and coding process a constant  
10 comparative method was employed by comparing data (transcripts) with data across the  
11 interviews, labels, and categories (Charmaz 2006).

12

### 13 ***Results and Discussion***

14 We focus our findings and discussion on four factors described in detail in the previous  
15 section: 1) past experiences with negotiations; 2) personal values and identity; 3) the  
16 political and geographic context; and 4) relationship building.

17

#### 18 ***Past Experiences***

19 Past experiences, both direct experiences with negotiations and indirect experiences that  
20 they had witnessed, influenced why stakeholders participated in the KBRA/KHSA  
21 negotiations. Stakeholders discussed past attempts to negotiate resource disputes in the  
22 Klamath Basin and whether or not they considered their participation in those prior  
23 processes to have been fruitful. They also shared some of their history with other

1 stakeholder groups, perceptions they had formed of others, and their experiences in other  
2 participatory processes.

3         While others have discussed the influence of past experiences on participation,  
4 mainly based on whether the experience was negative or positive (Lubell 2004; Sabatier  
5 et al. 2005; Tuler et al. 2002), in the Klamath Basin we found that previous negative  
6 experiences with other stakeholder groups did not necessarily translate into a decision to  
7 not participate. In fact, it often triggered participation by affected stakeholders. For  
8 example, the 2001 water shutoff to irrigators in the Upper Basin to protect endangered  
9 fish species, followed by the unprecedented 2002 fish die-off in the lower 40 miles of the  
10 Klamath River were the events most frequently mentioned in all interviews. These events  
11 instilled ill will between several stakeholder groups, yet a majority of stakeholders  
12 claimed that they served as a wake-up call. One irrigation stakeholder stated that events  
13 of 2001 made stakeholders realize that others in the Basin could impact them and that  
14 traditionally perceived barriers in the Basin were actually more porous than expected.  
15 Another irrigation stakeholder expanded on this, indicating that maybe they would have  
16 never needed to be a part of the KBRA/KHSA if the water crisis of 2001 had not  
17 occurred:

18             It's one of the things that I don't like talking about a lot, but it's like if  
19             we never had 2001, would we have made this deal?

20         A respondent from the tribal government articulated how the events of 2001 and  
21 2002 were perceived by some to be a unifier against a common enemy between  
22 traditional adversaries in the Basin:

23             The farmers took a giant hit [during the 2001 water shut off], followed

1 by the tribes and commercial fisherman taking a giant hit [during the  
2 2002 fish kill]. And then after that, the commercial fishery was shut  
3 down in the ocean due to a weak Klamath stock. Everybody was  
4 suffering in turn one after the other, except PacifiCorp. They weren't  
5 suffering. And people started to realize that.

6 Beyond traditionally adversarial groups in the Basin (tribes, irrigators, and fishermen),  
7 nearly all of the respondents from the state and federal agencies also expressed their  
8 desire to find solutions to the Basin's water allocation issues following the events of 2001  
9 and 2002. They did not want to see the people or the environment of the Basin suffer.

10 Many other actions taken to address the Basin's resource allocation and  
11 environmental restoration occurred prior to the KBRA/KHSA negotiations, including  
12 litigation, regulation, and negotiations. The lack of success of these prior actions was  
13 mentioned by all of respondents, particularly the respondents that make their living in the  
14 Basin (irrigators, tribal members, and fishermen). They cited that at the time the  
15 KBRA/KHSA negotiations started they were hurting and needed to find a solution to  
16 some of the resource allocation problems:

17 I'd be lying if I didn't say that we were hurting. That was a factor, the  
18 fact that we weren't winning. We had already tried everything else.

19 A majority of the stakeholders indicated that their participation in these prior processes  
20 often influenced them to participate. For example, a member of an environmental  
21 organization expressed their need to participate to protect gains made in other forums:

22 We were there to make sure that this forum didn't undermine  
23 progress that we were achieving elsewhere.

1           The historic conflict in the Klamath Basin is not uncommon when considering the  
2 many water disputes around the world. Tensions regarding water quantity, quality,  
3 management, political divisions, and the relative power relationships of stakeholders all  
4 fueled non-cooperative attitudes throughout the Basin. Despite these negative past  
5 experiences, nearly all the stakeholders interviewed in the study expressed a desire to  
6 engage in a process that could potentially alleviate these challenges. Delli Priscoli and  
7 Wolf (2009) discuss international water conflicts and found that often shared interests in  
8 transboundary basins act as unifier, despite water's conflict-inducing characteristics. In  
9 the Klamath Basin past experiences (both positive and negative) produced a multitude of  
10 reasons for stakeholders to participate.

11

#### 12 *Personal Values & Identity*

13 All of the stakeholders interviewed echoed the notion that resources, especially water, in  
14 the Klamath Basin were extremely valuable both economically and emotionally and  
15 needed to be addressed. They discussed how identity, ideology, environmental ethics, and  
16 racism present within the Basin influenced their participation. However, nearly all of the  
17 interviewed stakeholders indicated that they could put these issues aside because the  
18 natural resources in the Basin were of greater value than these differences. This aligns  
19 with Sabatier et al.'s (2005) finding that stakeholders participate because they believe  
20 that the public good will be enhanced through successful negotiations. They call upon a  
21 sense of civic duty or environmental stewardship in describing why they participated.

22           In contrast, a few stakeholders, particularly irrigators and tribal groups, identified  
23 other stakeholders who opposed the negotiations as having different values and identities

1 because they did not rely on the natural resources of the Basin for their livelihood:

2           There are a lot of people [in the irrigation community] with 20 acres  
3           and a couple of horses that work at the hospital [which is their main  
4           income source] and think, “by god, I am irrigator and I oppose this  
5           [the KBRA/KHSA negotiation process].” But they are not dead if they  
6           don’t get water because they are not really relying on the land. So you  
7           can be a little more ideological about things if you’ve got other options.

8 This suggests that a more nuanced identity arose from the negotiations or a realignment  
9 of identity. Instead of seeing irrigators as a homogenous group, this traditional irrigator,  
10 who felt economically dependent on water allocation in the Basin, rejected a common  
11 identity or sense of solidarity with those irrigators who were not dependent on water  
12 flows and who chose not to participate directly at the negotiating table.

13           Tribal stakeholders, irrigators, many environmental organizations, and federal  
14 representatives said that they wished they had thought more about the public relations  
15 aspect of the negotiations and had reached out to groups that would have supported them  
16 ideologically. In the Klamath context this was not necessarily to bolster their power at  
17 negotiating table, but to generate more support for the agreements in the implementation  
18 phase. Division within stakeholder groups, which from an outsider perspective would  
19 seem to share interests, has stifled the political will to push the agreements forward into  
20 actual implementation. Fisk et al. (2010) and Forline and Assis (2010) discussed  
21 leveraging alliances with organizations who share values but are outside of the  
22 negotiations and our findings seems to take it one step further. Among Klamath Basin  
23 negotiators the lack of such strategic alliances has been seen by several stakeholders as

1 hindering not only the negotiating process, but subsequent implementation as well.

2 Divisions that arose within stakeholder groups which seemed to share a common  
3 values and identity also influenced others in the Basin to participate in the negotiations.

4 One irrigator expressed their concern with the lack of adequate representation for  
5 ranchers and how that prompted them to get a seat at the table for themselves:

6 We were a later joiner of the settlement table, and that was basically  
7 because we didn't feel that the other off-project group that was there  
8 was serving our interests.

9 Stakeholder's personal values and identities also directly influenced their  
10 perception of the legitimacy of negotiations. In some cases this encouraged them to  
11 engage in the agreements and in other cases, to vocally oppose the agreements. Conflicts  
12 in the Basin did not necessarily deter participation in the negotiation process, but neither  
13 did the conflicts disappear as negotiations progressed. Stakeholder's values and identities  
14 were significant, although divisions in seemingly aligned stakeholder groups have proven  
15 to be a longstanding issue.

16

### 17 *Political & Geographic Context*

18 Schlager and Blomquist (2008) and Berry and Mollard (2010) point out that political  
19 conditions are implicit in nearly all decisions stakeholders make regarding participating  
20 in negotiations. We concur, finding that political and geographic contexts were  
21 intertwined within nearly all the factors influencing negotiations in our study. In  
22 particular, perceptions of power and power differentials; boundary formation; and  
23 stakeholders' perceptions of who had *skin in the game* were significant dimensions of the

1 political and geographical context of the Klamath Basin and beyond.

2 In the Klamath context, power was looked at in two distinct ways: imposed power  
3 and perceived power. All stakeholders discussed the imposed power of other stakeholders  
4 in the negotiation, and how it allowed the negotiation process to be manipulated to  
5 achieve desired results. A stakeholder associated with an environmental group discussed  
6 how differentials in imposed power influenced their ability to participate in the process:

7 I think it was really not your typical mediation process where you had  
8 people with, you know maybe somewhat equal power sitting around  
9 the table and trying to resolve issues. I think it was a process that was  
10 basically tainted because one group had too much political power  
11 within an administration that had a specific agenda, which allowed  
12 them to exclude people to achieve their agenda.

13 A stakeholder from the federal government articulated how they had no power in the  
14 negotiation and were being used by nearly all the other groups as leverage to bolster their  
15 political agenda:

16 So the power was with everybody but the refuge. For example, the  
17 irrigators could use the refuge to their advantage. They thought they  
18 could use the refuge to say “hey, we’re environmentally conscious.  
19 We want to get water to the refuge. So we can look green. We have  
20 wildlife on our place.” But now that the KBRA has died, a lot of those  
21 folks have walked away. And when the refuge is dry, the  
22 environmental groups can score points by saying, “look, see how this  
23 project isn’t working.”

1           Nearly all stakeholders discussed the perceived power of other stakeholders based  
2 on how big of an interest they represented within the Basin. Stakeholders referred to this  
3 notion as *skin in the game* and ascribed this type of power to various groups involved in  
4 the negotiations. Some stakeholders diminished other groups' stake in the process as a  
5 result of not having sufficient *skin in the game*. One stakeholder mentioned that some  
6 groups did not matter quite as much to the process because their perceived power was not  
7 as substantial:

8           Ultimately, the important groups were willing to sign off on the water  
9 flows and that made a huge difference. The fact that one lone small  
10 organization up in Oregon with an interest in it that's very small  
11 compared to the tribes or the irrigators was not willing to go along  
12 with it and was not a barrier to move forward.

13 Others believed that certain stakeholders should have been taken more seriously because  
14 they had *skin in the game* in ways that impacted the implementation of the negotiated  
15 agreements. One respondent stated:

16           A sober assessment of all of the interests and not just what legitimate  
17 power they can wield, but even what illegitimate power they can wield  
18 needed to be done. They [the land owners on Copco lake, created by  
19 one of the dams slated for removal] don't have any legal authority,  
20 they don't have a lot of power in this thing, but through their  
21 manipulation of the issue, they struck a chord in their surrounding  
22 community. They had power there that was not really acknowledged  
23 and it wasn't formal power. But it has made an impact on the process.

1 The significance of certain stakeholders and the perceived power they could yield in the  
2 negotiation process affected why stakeholders participated and the ways they considered  
3 each other's interests during negotiations. Such issues associated power with the  
4 geographic boundaries in the Basin, which ultimately allowed for the exclusion of some  
5 stakeholders and prompted some to actively oppose the agreements.

6 In Warner's (2005) discussion of non-participation in multi-party stakeholder  
7 platforms, he posed the question: do non-represented stakeholders interact informally  
8 with represented stakeholders, or do they go around the participatory process to access  
9 those in power to get what they want? This suggests that for some parties it might be  
10 more advantageous to wait on the sidelines until things get more interesting or to  
11 mobilize a constituency outside of the participatory processes (Warner 2005). In the  
12 Klamath context, stakeholders thought critically about other stakeholders perceived and  
13 imposed power, but ultimately this did not generate a clear understanding of who had  
14 power in the process and how they could use it. Although some groups did not formally  
15 participate in the negotiations they participated by publicly opposing the agreements and  
16 petitioning their political representatives to not move forward with the agreements, which  
17 had a substantial impact on the negotiations and their subsequent implementation.

18

### 19 *Relationship Building*

20 Tuler et al. (2002), Lubell (2004), and Sabatier et al. (2005) focused on the relationships  
21 established prior to negotiations, while others have followed the outcome of relationships  
22 and social learning after negotiations end (D' Estrée and Colby 2004; Dukes 2004; Foley  
23 2007). By contrast, our study of the Klamath Basin suggests that stakeholders were

1 mainly concerned with the development of relationships as the negotiations occurred and  
2 with the value of those relationships. This suggests that relationship building was viewed  
3 as part of the negotiation process itself and, in some cases, became a reason why  
4 stakeholders participated in the negotiations.

5 In the Klamath context, the development of certain relationships made  
6 stakeholders want to see the process succeed even more, due to a feeling of camaraderie  
7 and coalition building between stakeholders groups. One stakeholder stated that during  
8 the FERC re-licensing process, they started to slowly develop personal relationships with  
9 other groups and friendships began to form, which allowed them to be more open to the  
10 KBRA/KHSA negotiations. Many others also discussed how they made friends in this  
11 process, which encouraged them to continue participating to make sure things worked out.  
12 In a few cases, traditionally adversarial stakeholders were able to find common ground  
13 that facilitated their participation in the negotiations.

14 Nonetheless, not all individuals or groups had this experience. Some failed to  
15 develop new relationships or strengthen old ones during the negotiation processes and, in  
16 some cases, this contributed to their exclusion. Some former allies were complicit in the  
17 exclusion because they did not want to strain newly formed relationships that could help  
18 them advance their objectives in the negotiations. As the dynamics of relationships  
19 changed this affected organization's ability to achieve their original objectives:

20 We had a conservation coalition within the negotiations that initially  
21 tried to stay together on decisions. Those were totally violated by the  
22 major conservation groups that were involved because they were  
23 focused on dam removal, not the refuge and water issues. Basically by

1 not following the protocols within the coalition and going out on your  
2 own and agreeing to things before you brought everybody along  
3 divided the conservation coalition and basically the negotiating power  
4 of the conservation community disappeared.

5 Trust between stakeholder groups was an important factor influencing how  
6 stakeholders participated. A stakeholder from the irrigation community discussed how  
7 some opposing groups would never believe that what the irrigators were saying was what  
8 they really needed. This sentiment about a lack of trust was only articulated by a few of  
9 the stakeholders, with the majority of the stakeholders citing relationship building and  
10 changes as being more influential to their participation. The forging and, alternately, the  
11 destruction of relationships during negotiations had implications beyond the negotiations  
12 as stakeholders now work with different groups in new ways.

13

#### 14 ***Conclusions***

15 In the Klamath Basin, the KBRA/KHSA negotiations came to an end, but implementation  
16 of the agreements was not fully realized. Currently federal agencies have implemented  
17 some provisions of the KBRA agreements, but Congressional approval is needed to  
18 implement the negotiated settlements fully. Continued stakeholder support in the wake of  
19 the signing of the agreements would give congressional representatives reasons to move  
20 forward with the agreements, but concerns remain about potential backlash against the  
21 agreements, especially from stakeholders that were excluded from the agreements.

22 Our study did not demonstrate agreement about the degree of significance of any  
23 particular factor influencing why stakeholders participated, as the factors most salient for

1 specific stakeholders differed. While there were occasions of outright differences of  
2 opinion about the relevance of certain factors, many factors were discussed frequently  
3 and were clearly important to the majority of stakeholders. The reasons why stakeholders  
4 involve themselves in participatory negotiations is not a static decision, but instead is  
5 dynamic, evolving over the life of the conflict, negotiation processes, and into the  
6 implementation phase. We found important details associated with what influences  
7 stakeholders to participate in water resource negotiations that may be of relevance for  
8 other negotiations involving water governance, especially those developing out of  
9 conflict and strained stakeholder relationships. These findings include:

- 10 • Previous negative experiences with other stakeholder groups did not necessarily  
11 translate into a decision to not participate, but contributed more to a desire to  
12 participate.
- 13 • While many stakeholders mentioned putting aside their differences in values and  
14 identity so as to negotiate for the broader public good and to protect the Basin's  
15 resources, some significant changes in values and identity occurred for some  
16 stakeholders as a result of the negotiations. These value and identity changes  
17 encouraged some to continue participating and others to oppose the negotiated  
18 settlements.
- 19 • Political and geographic contexts were significant, being intertwined in nearly all  
20 the factors influencing participation in negotiations in our study. Stakeholders'  
21 perceptions of power and power differentials and about who had *skin in the game*  
22 not only encouraged some groups to participate in negotiations, but allowed  
23 others to be excluded. This dynamic in some cases encouraged excluded groups to

1 actively oppose the agreements.

2 • Concerns about the development of relationships as the negotiations occurred and  
3 with the value of those relationships suggests that relationship building may be  
4 viewed as part of the negotiation process itself.

5 Our study emphasizes the significance of recognizing why stakeholders  
6 participate. While the broader implications of stakeholders' participation in water  
7 governance processes have more obvious and well-researched effects on process  
8 outcomes, the subtleties of what influences stakeholders to participate is complex.  
9 Understanding why stakeholders engage in negotiations is necessary if just and equitable  
10 outcomes are to be achieved.

11

12

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