

Who Decides?

Policy Processes, Federalism, and Ecosystem **Management**

(A Concept Paper for the Eastside Assessment Team)

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Introduction

...the Justice Department filed a lawsuit yesterday seeking to halt a county in Nevada from seizing control of Federal lands and intimidating Federal officials there. The **lawsuit...is** the first direct effort by the Clinton Administration to block the spread in the West of ordinances and other **local** land-use policies that rural counties say give them the authority to gain control of Federal **land...One** resolution states that any road that crosses Federal land belongs to Nye County and can be managed by the county. 'Another resolution states that Government land in the county really belongs to the state and the county has the sole duty to manage that land (New York Times **1995:A-1**).

This year, property rights has burst on the **political** scene like a supernova. The movement's central tenet: Government regulation of private property has gone too far. Environmental laws effectively have appropriated land for public use without compensation, advocates charge, running roughshod over the Bill of Rights. It is a movement steeped in indignation, characterized by impatience, fueled by people who fear their government will impoverish them (Seattle Times **1995:A-1**)

Nye County's claim that land currently held by the federal government is properly the responsibility of State or county government and the property rights movement's claim that the scope of government action should be limited on privately held land **are** the latest manifestations of two central tensions that gave rise to the American revolution **and** that have been the focus of resource policy debates in the United **States** for the past **two** centuries. The questions underlying these tensions are: 1) In what circumstances does government have the right, even duty, to interfere with private behavior (and the associated question of its responsibility to provide compensation in such cases)? and 2) Once the right and duty of the government to intervene has been agreed upon, what level of government should have formal **authority** to make decisions as to the location and nature of the intervention? Implicit in the various answers that have been given to these questions over the years are theories about how people

do and should interact with each other and with various levels of government in the making of public policy.

This paper addresses the question: How does federalism affect agency capacity to carry out ecosystem management? I begin by describing three common models of how public policy processes work in the United States. I then illustrate how the answer to the original question - how does federalism affect agency capacity to carry out ecosystem management? - varies depending on which of these models is assumed to be operative. This approach allows us to identify key actors, relationships among actors, and points where actors have the opportunity to **influence** both the substance and process of public policymaking. This approach also draws attention to obvious inconsistencies between the governance structures and processes posited by these models and those required for ecosystem management in the context of federalism. By using this approach, I intend to show that while locus of control may be a critical factor in making "good" policy decisions, the process by which policy is made, regardless of the locus of control, is equally important.

The report is divided into four sections. Section one describes three models of how policy is made and changed. Section two provides a brief overview of the concept of federalism from both a formalistic and pragmatic perspective. Section three applies the issues raised in the discussion of policy models **toward the** following questions:

- * How does the locus of control affect decision-making quality and implementation?
- * What are the relationships among governmental authorities and between governments and **non-**government organizations and affected citizens?
- * When **and** under what circumstances does or should government mitigate the individual or collective costs of changing policy commitments?

The fourth section describes how each of the three theories informs questions regarding the constraints

and opportunities the Eastside Ecosystem Management Team is likely to face as it tries to implement an ecosystem management strategy in the Inland Columbia Basin.

I. Models of Public Policy Processes

A. What Is Public Policy?

Webster's II (1984) defines policy in two ways: 1) "A plan or course of action, as of a government, political party, or business, designed to influence and determine decisions and actions"; and 2) "A course of action, guiding principle, or procedure considered to be expedient, prudent, or advantageous". By combining these definitions, policy can be interpreted as not just a particular set of activities designed to accomplish an objective, but also as rules or principles that shape and guide activity. Presumably these can be developed either by individuals acting alone or through the interaction of a number of individuals. But what distinguishes public policy from other kinds of policy?

Webster's II (1984) defines public as: "Of, affecting, or concerning the community or the people; the community or people as a group: a group of people sharing a mutual interest". Public is often contrasted with private, which is defined as: "belonging or confined to a particular person or group as opposed to the public or the government". Logically, public policy consists of guidelines or a course of action that are derived from, affect, or concern "the" community or "the" people. By contrast, private policy consists of guidelines or courses of action that are derived from, affect or concern an individual or a particular group of people. Note that the terms "the community" and "the people" carry with them the sense of a consciously shared identity (Kemmis 1990); while the term "group of people" carries no such connotation. The above definitions raise a dilemma - how do collectivities determine when something belongs to a particular person or group as opposed to a wider community of persons'?

Similarly, at what point does a collectivity have the duty or the right to constrain or promote a given type of behavior on the part of individuals or particular groups? In short, how does one draw the line between what is a suitable object of public policy and what is a suitable object of private policy?

Caporaso and Levine (1992) note that two very different notions of how to draw this line prevail in Western society: one in which "public" exists only with reference to individual self-interests, and the other in which "public" antedates and shapes individual self-interests and behavior. As will be shown in the following section, these different notions of what constitutes "public" greatly affect how one conceptualizes the ways in which public policy should be made, as well as the kinds of issues deemed to be located in the public policy domain.

Three conceptions of the policymaking process dominate the public policy and political science literature in the United States. One view, market politics, conceives of public policymaking as resource exchange among individuals. A second view, the adversarial interests group view, envisions a public policymaking process that resembles a battle among competing interest groups. Both of these views are predicated on the assumption that there is, and should be, no overriding public interest guiding the formation or selection of policy choices. A third view, participatory democracy, envisions public policymaking as a process of public deliberation aimed at constructing a common vision of the public interest. The following section outlines the basic elements and assumptions of these three theories.¹

B. The Market Politics Model of Policymaking

The market view of policymaking draws from the classical liberal tradition of Western thinkers of the 17th and 18th century, who constructed a vision of society structured along the lines of a free market:

¹ A list of the major critiques of each model is also provided in Appendix A.

Society is viewed as a collection of autonomous, rational decision makers who have no community life. Their interactions consist entirely of trading with one another to maximize their, individual well-being. They have objectives or preferences, they compare alternative ways of attaining their objectives, and they choose the way that yields the most satisfaction (Stone 1988:6).

The free market model assumes there should be no central mechanism for coordinating exchanges, that all participants have complete information about market conditions, and that all participants have free and unrestricted access to the market (Caporaso and Levine 1992). Its goal is to maximize efficiency, which can be defined as getting the most at the least cost (Stone 1988). Government's role is limited to enforcing contracts and ensuring that access to the market remains equally open to all (Reich 1985; Bosso 1987). As numerous critiques of this model have shown, neither the complete information nor the equal access assumption hold true in real markets (Caporaso and Levine 1992; Van Horn et al 1989; Bosso 1987).

When applied to policymaking, this model posits public policy making as a process in which individuals seek to maximize self-interest as expressed in the form of preferences about policy choices (Reich 1985). The preferences of individuals are assumed to be fixed prior to their engagement in policymaking activities (Caporaso and Levine 1992). Policy forums are viewed as places where individuals express their preferences, not as places where choices are formulated or where preferences are modified (Reich 1985; Orren 1988).

As in the market, the role of government is ideally limited to ensuring that the policy process allows all individuals to engage freely in expressing their preferences and that all individuals follow the rules of the game (Landy and Plotkin 1982). Policymaking is assumed to take place within the framework of the formal political structures and procedures created by law - these structures and procedures having been designed deliberately to ensure equal access to all citizens (Van Horn et al 1989). To the

extent that **participants** feel that the procedures are followed. they **also** recognize the decisions emanating from the process as legitimate (Caporaso and Levine 1992). The market model of policymaking takes a minimalist view of government and the aspects of life that are subject to public intervention. Ideally, there would be no government or public policy at all - only economic transactions among private individuals. However, where goods are subject to non-rival or non-exclusive consumption (i.e. **social** or public goods), or where private transactions are unable to incorporate **all** the costs and benefits created through the exchange (i.e. externalities), public intervention is **warranted** (Landy and Plotkin 1982).

Although the market model is not inherently incompatible with direct **democracy**, political participation is viewed **as** a cost, rather **than** a benefit to the individual (Dahl 1991). This view lends support to the idea of a **representative** democracy in which the costs of political participation to individuals are reduced through reliance on political **representatives** (Dahl 1991; Bachrach 1975). These representatives, generally working through professional **administrators**, take on the task of identifying possible solutions to difficulties considered solvable only through public **action** (Reich 1985). Presumably these difficulties, **as well as** preferred solutions, are articulated by individual citizens acting through their representatives.

Just **as** the free market posits no **mechanism** for **coordinating exchanges** among individuals, the market model of policymaking view assumes that no overarching **common** interest should guide the **policymaker's** selection of policy options (Reich 1985; Mansbridge 1990). Instead, policymakers assign **values** to individual preferences and **aggregate** them, **and** the result comprises "the" public interest (Stone 1988). The goal of the policy process is to maximize individual satisfaction (Reich 1985; Stone 1988). When trade-offs among conflicting policy choices are involved, the largest net

benefit or greatest social utility is used to select the appropriate course of action (Reich 1985; Orren 1988). In this model, the impetus for policy change arises solely from outside the policymaking system. New individuals can enter the system, thus shifting the balance of preferences that enter into the choice equation: preferences of existing participants in the policy process can change as a result of events occurring outside the policy process; and new distributions of preferences can be created as policies are implemented and modify the decision environment (Reich 1985; Stone 1988).

C. The Adversarial Interest Group (AIG) Model

The adversarial interest group model of policymaking applies the principles of market politics to organized interest groups. Society is still viewed as a free market, but in this market the participants operate in groups formed on the basis of shared interests rather than operating as autonomous individuals (Dahl 1991). Unlike the previous model, the AIG model posits two-way social interaction among actors in the policy process, but these two-way interactions are limited to those sharing a common interest while one-way interactions characterize the relationship between opposing interest groups. Each interest group seeks to maximize its own interests, and the goal of public policy is to maximize overall interest group satisfaction (Reich 1985). As in the individual market model, interest group preferences are assumed to be fixed prior to the groups' engagement in public policy processes (Reich 1985; Landy and Plotkin 1982).

In earlier versions of the model, policy forums are conceived of as places where each group makes a case for why its preferences deserve to be selected rather than as places where existing preferences are changed (Dahl 1991). Policy objectives emerge from the interaction of interest groups, each of whom presents its views and any compromises it is willing to accept (Dahl 1991). Public discussion of alternatives permits previously unmobilized groups to organize, and allows individuals who previously

have remained silent to join the group that best fits their interests (Reich 1985). Recent versions of the adversarial interest group model posit a greater degree of social interaction in policymaking in that sometimes interest groups form coalitions on the basis of converging secondary beliefs (Sabatier and Jenkins-Smith 1993). However, these new models still assume that participation in policy processes will not bring about change in fundamental core values of the various interest groups (Sabatier and Jenkins-Smith 1993).

Like the market model, the AIG model takes a minimalist view of what constitutes the proper domain of public policy. Decisions should be made in the public arena only where conflicts arise over the allocation and distribution of interdependent goods (Caporaso and Levine 1992). Government plays two roles: it ensures that all relevant groups are given the chance to articulate their preferences and it mediates between opposing groups (Bosso 1987). The model assumes that all groups are equally capable of organizing, and that those who choose not to organize have no preferences about the issue at stake (Bosso 1987). As in the classical market model, political participation is viewed as a cost rather than a benefit to interest groups (Bachrach 1975). Representative democracy, which minimizes group costs of participation is thus considered preferable to direct democratic participation on the part of interest group members (Dahl 1991).

Ideally, the adversarial interest group process of policymaking works as follows (Yaffee 1994):

Individual citizens experience difficulties which they believe can only be solved through collective action. Citizens with similar views about the difficulties and the possible solutions to those difficulties organize into groups, where they attempt to develop a coherent argument for why their solution is preferable. These groups make their preferences known to political representatives and public administrators, whose job consists of eliciting all of the possible solutions to the difficulty (Yaffee

1994; Van Horn et al 1989; Bosso 1987). Ideally, government serves as a neutral referee in the battle between interest groups. However, sometimes government itself becomes another interest group (Bosso 1987; Orren 1988). To prevent agency capture by more powerful interest groups, AIG model proponents advocate procedures that open up formal decision-making fora, such as public hearings and citizen advisory committees (Bosso 1987; Orren 1988; Landy and Plotkin 1982). Legitimacy of decisions is thus linked to fair procedures (Caporaso and Levine 1992; Orren 1988). Like the market politics model, the interest group model assumes that policy options are selected in the absence of an overarching notion of public interest, and that the public interest emerges from the aggregation of interest group preferences (Reich 1985; Orren 1988). In practice this means that policymakers seek to identify and select those options that are acceptable to the largest number of groups (Reich 1988).

The adversarial interest group model assumes that group preferences do not change as a result of the policy process itself. Both the formation of groups and the formation of group interests take place outside the policy process (Orren 1988). Policy change is thus theoretically linked to changes in the exogenous environment that cause shifts in the composition of groups and their values. Newer versions of the adversarial interest group model posit that interest groups are capable of forming coalitions (and thus shifting the balance of power toward their policy choices) within the policy process by compromising on secondary beliefs (Sabatier and Jenkins 1994); they also note the existence of policy entrepreneurs who shift the venue and scope of policy discussions in order to change the preference balance to favor their interests (Baumgartner and Jones 1993).

D. The Participatory Democracy Model

Models of policymaking based on the ideals of participatory democracy start from a very different premise than the previous two models. Instead of viewing society as composed of either competitive

autonomous individuals or competitive interest groups. participatory democracy proponents posit a society composed of interdependent individuals and groups who create shared values and interests through on-going processes of collaborative social interaction (Reich 1985). The distinction between competitive and collaborative social interaction is critical - the former looks for and magnifies differences while the latter seeks and expands shared values (Kemmis 1990). The collaborative process of social interaction thus makes possible the development of a common or public interest that transcends individual self-interest (Reich 1985). This shared notion of what constitutes the public interest shapes the formation and selection of policy choices (Reich 1985; Mansbridge 1990). Rather than being just a place where individual or group preferences are stated, policy forums are viewed as places where both individual and common values and interests are created, and where new visions of what constitutes a "good" society are formed (Orren 1988). In the participatory democracy world of policymaking "individuals discover themselves, learn about their preferences, engage in debate, and shape (and are shaped by) opinions of others" (Caporaso and Levine 1992:155).

In contrast to the market politics and adversarial interest group models which assume that participation in politics is a social cost, and something to be avoided if at all possible, the participatory democracy model considers political participation a net social benefit and something to be encouraged (Reich 1985; Bachrach 1975). The role of the government is not limited to choosing among alternatives based on input from citizens or interest groups about their preferences. Instead, government also functions as a facilitator of dialogue and critical thinking among citizens and between citizens and government (Reich 1985; Orren 1988). According to this model, government administrators are no more neutral than any other group or individual: to curb their biases and the biases inherent in the very structure of society, others must also be involved in formulating problem definitions and selecting courses of action (Reich 1985; Stanley 1990). Although formal responsibility for selecting choices rests with

government officials. the “menu” of choices is established through widespread, preferably face-to-face discussions among citizens and public officials (Reich 1985). Choices themselves are arrived at through public deliberation as to what constitutes a fair and just distribution of costs and benefits (Orren 1988; Reich 1985). To ensure that choices meet these criteria participatory democracy proponents insist on the need for civic literacy and the development of frequent and widespread public forums that focus on collaborative problem-solving (Stanley 1990; Stanley 1983; Bachrach 1975). Note that few proponents of participatory democracy deny the existence of self-interests as a motivating factor in policymaking. However, they do maintain that humans have an equally strong desire to create a sense of solidarity with others (Bachrach 1975; Mansbridge 1990).

In contrast to the market politics and adversarial interest group models, the boundary between public and private is much less distinct in the participatory democracy model. Bachrach (1975) and Stanley (1983), for example, suggest that many decisions made by corporations have substantial public impacts and thus should be the focus of public, rather than private, policymaking. Moreover, the policy process is considered to be much more than a place where decisions about possible choices of action are made - it is also a place where citizens and government work together to construct shared understandings of what they think their society should be like (Stanley 1990).

In the participatory democracy model the main impetus for policy change comes from within the system, rather than from without (though the model does not **inherently exclude** exogenously derived change). Change occurs as people learn about themselves and others, and arrive at new understandings of how they fit or could fit within their communities; these new understandings open up new avenues of thought about how to address what seem to be irreconcilable differences (Orren 1988). This shared process of **arriving** at self and community awareness creates the solidarity of purpose needed to move

from talk to action. On-en contends that it also creates the basis for legitimate action, thus increasing the likelihood of voluntary compliance:

The combination of these two vital sources of motivation - solidarity on the one hand, **and** values or purposes on the other - creates shared values or shared purposes. This is the distinguishing characteristic of the political world: the acceptance of ideas and of commitments to goals by large numbers of **people...Commitment** to ideas and purposes creates “will”, and widespread agreement creates legitimacy. The combination is legitimate will (On-en 1988:27).

II. Federalism

In the United States, any public policy process is greatly affected by federalism, which sets the underlying rules of the public policymaking game. The key characteristic of a federalist system of governance is that it divides “powers so that the general and regional governments are each within a sphere, coordinate and independent” (Wheare in Diamond 1981:124). The notion of “coordinate and independent” governments is crucial for it implies that “the existence and authority of the state governments rest upon a constitutional basis” and that these governments **are** not subordinate to the federal government in their authorized spheres of action (Diamond 1981:131). Although the Constitution provides for only two levels of autonomous governments, federal and state, the states themselves have created a wide variety of local governments to govern at the sub-state level. Technically dependent on the states for authority, in practice many local governments exercise a considerable degree of autonomy (Sokolow 1987).²

In the American version of federalism, sovereignty is vested in the people. As a result, for government action to be considered legitimate, it must first be authorized by the people. The authorities of the various governments and the limits on their authorities are enumerated in the Constitution, the Bill of

² The term “local” is highly problematic as a political and sociological concept. For the purposes of this paper, I adopt the political science interpretation of “local” as governmental jurisdictions of **all** sizes and types located within either a state or federal governance framework.

Rights. and the state constitutions. The “people” indirectly exercise their will through these governments by electing representatives to the various law-making bodies and executive positions. They can also exercise their will directly through initiatives and referenda (Van Horn et al 1989).

American federalism is **further** characterized by the separation of governmental powers among three branches - the executive, the legislative, and the judicial - in both federal and state governments. According to the separation of powers notion, the legislative branch is charged with making laws, the executive carries out those laws, and the judicial branch determines whether the laws are constitutionally valid (Buck 1989).

The highly stylized view of federalism described above creates the impression of federalism as a set of interlocking machines (Shafria 1988), each with its own function, designed to work smoothly together to produce something known as “governance”. This formal view of federalism assumes that the public sphere can be neatly **separated** from the private: that local, state and federal spheres of action can be readily distinguished; and that the various branches of government carry out only their assigned functions and do not interfere in the functions of the other branches. In real life, however, the boundaries among the different branches of government between governments, and between the public and private sphere are not at all clear cut. The following summary of the key provisions of the U.S. Constitution that most strongly affect the Forest Service’s authority to manage on an ecosystem basis, together with a brief overview of current challenges to established meanings of these provisions, illustrates the contingent nature of the boundaries of governmental authorities.

Constitutional provisions most relevant to ecosystem **management** include Article IV, sec.3, cl.2 (property clause); Article VI, cl. 2 (supremacy clause); and the 10th and 5th amendments. The

property clause gives Congress the authority to enact laws regarding public lands: these laws are carried out through the executive agencies authorized to implement legislation in a particular domain (Reed 1993-94). The supremacy clause spells out the principle that federal law prevails when a conflict exists between federal and state/local law in cases where **federal** intervention is permitted (Reed 1993-94). The notion that federal law preempts state law on federally held land was further strengthened by the **court** case. **Kleppe v. New Mexico** (Reed 1993-94). Note, however, that courts have affirmed the possibility for state and federal legislation to co-exist as long as they do not conflict (**Emm** 1993-94). While the Constitution designates areas of federal concern, it also limits those powers through the 10th amendment, which reserves all powers not designated to the federal government in the Constitution to the states or the people (USC. 10th Amendment).

The emerging County Movement and the proliferation of county land use plans calling for a stronger role for county officials in deciding which activities will be permitted or restricted on federal lands (**Emm** 1993-94) indicate that there is **still** considerable debate over what the nature of the relationship between local and federal governments with respect to land use management decisions on federally held lands ought to be. Opponents of widespread federal landholdings in the West **are** also recycling 19th century arguments that such holdings constitute a violation of the equal footing doctrine, which guaranteed that new states would enter the Union on an **equal** footing with the thirteen original states. Although unlikely to be upheld in present courts, the fact that the argument is being seriously advanced at all is evidence that the policy of federal ownership of large tracts of land, a situation that most Americans take for granted, is still potentially subject to renegotiation.

The Constitution also designates the relationship that exists between public and private sectors, and notably the issue of compensation when public interests are deemed to take precedence over private

interests. The 5th amendment, which has recently become a central focus of property rights debates, provides that private property cannot be taken for public use without just compensation (USC, 5th Amendment). Recent court cases (most notably *Lucas v. South Carolina Coastal Council*) have expanded the notion of takings to include environmental regulatory takings that effectively bring the value of private property to zero from the perspective of the “highest and best use” criteria traditionally used for assessing property value (Rinehart and Pompe 1995). From an ecosystems management standpoint, this increasingly broad interpretation of what constitutes a regulatory “taking” is likely to considerably reduce the ability of federal and state governments to regulate land use activities on privately held land. In the West, cattle ranchers have also recently attempted to expand the notion of takings to include loss of animal unit months on grazing permits for public lands (Williams 1993; Falen and Budd-Falen 1993-94; Blank 1993-94). The argument that federal decisions to decrease access to grazing grounds on public lands constitutes a “taking” of private property is a bit convoluted. In one recent suit, a Nevada cattle rancher, Hage, argues that watering livestock constitutes the beneficial use on which his right to water sources on public land is based (Falen and Budd-Falen 1993-94). He thus argues that the Forest Service’s decision to restrict his use of his grazing allotment constitutes a taking not of a private grazing right, but of his water right (Falen and Budd-Falen 1993-94). Regardless of the merits of Hage’s argument, the fact that similar arguments are being advanced in a number of court suits makes it clear that definition of what constitutes a “private” property right on public land, and thus what governmental actions would require compensation for private individuals, is potentially subject to renegotiation in the current political context.

As Diamond (1981) notes, much of the ambiguity over the boundaries between different governmental authorities is inherent in the Constitution and the laws derived from them, since they provide only a general framework whose nature is subject to multiple interpretations:

Even when each government tries faithfully to stay within its sphere and no serious overlap of concerns occurs, there remains the sheer difficulty of deciding what matters have been assigned to the respective spheres. For example, the Constitution entrusts the power over interstate commerce to the Congress, but the question remaining in practice is exactly where does pure *intrastate* commerce leave off and *interstate* commerce begin (Diamond 1981:134)?

The ambiguity of the Constitution also leaves room for many points of informal influence over the formal decision making process. The existence of thousands of corporate and non-corporate lobbying groups attests to the importance of informal avenues for influencing formal decisions (van Horn et al 1989). Moreover, as Anton notes, the distinction between public and private policy is often difficult to discern:

Public agencies promote private interests and private interests promote public policies in a system of blurred boundaries in which there is no monopoly on public policymaking. Federal "governance" is a much broader and more significant concept than federal government (Anton 1989:177)

Federalism thus has a number of characteristics that greatly constrain the workings of any policy process and the subsequent capacity of a federal agency like the Forest Service to implement policies derived from that process. Important elements that must be taken into account include: 1) the existence of multiple levels of formal authority over public policy; 2) fragmentation of authority within each level of governance; 3) fragmented scopes and spheres of action for each level of governance; 4) multiple points over which various actors, public and private, can exert control; and 5) unclear boundaries between private and public interests.

III. Policymaking in the Context of Federalism

This section addresses three key questions related to policymaking in a federalist context: 1) How does locus of control affect decision quality and implementation?; 2) What is the relationship among policy actors; and 3) Under what circumstances does or should the government compensate individuals or collectivities for costs incurred by policy changes? Before answering these questions, it is useful to

clarify what is meant by the term “control” as it applies to policymaking and to clarify why the locus of control is such a controversial issue in our federalist system.

Most people equate control over policymaking with possessing the formal authority to select among different policy options. This sense of the word is embodied in the vision of federalism developed by the framers of the Constitution, who believed that decisions would be better and implementation more effective if decision-making authority were vested in the governance level most appropriate to the scale of the problem (Anton 1989). By this reasoning, issues whose impacts are limited to local people are best dealt with by local governments; issues with state-wide impacts by state governments; and issues with national and international implications by the federal government.

The reasoning behind this argument seems logical. One would expect that local government officials would have more regular and frequent contact with their local constituency, and thus would have a better understanding of the needs and preferences of local citizens than state or federal officials, whose knowledge of local issues and contacts with local citizens are often limited. For issues affecting local citizens, policies developed at the local level should also be easier to implement than policies generated by higher levels of government since they are more likely to be tailored to local conditions **and** capacities.

On the other hand, some issues clearly affect people and resources located in several local jurisdictions. Logically, local governments will be limited in their ability to adequately respond to those issues by their lack of knowledge of conditions outside their jurisdictions, and by a tendency to focus on the particular concerns of their own citizens. In such cases, even though local citizens are affected, a higher level of government capable of understanding the range of conditions, and how

various local issues link together would be better able to develop policies capable of satisfying a more heterogeneous constituency. Even if local governments attempted to address cross-jurisdictional issues, implementing decisions would be difficult since the decisions would likely be biased toward a particular group of citizens. Moreover, local governments typically have relatively limited financial and human resources compared to state and federal governments, and thus lack the capacity to deal with problems, such as hazardous waste clean-up, that require substantial sums of money or specialized technical expertise to address (Sokolow 1987).

This argument seems reasonable, but in practice it is not always easy to distinguish which kinds of issues are best dealt with at the local, state, or federal level. Only in rare cases are these boundaries spelled out in the Constitution (international treaties for example, are defined as a national issue). Indeed, history shows that for the vast majority of environmental issues, the boundaries between what constitutes a local, state, or federal issue are constantly being **redefined** (Gates 1968).

Even in cases where boundaries appear to be well-defined, as on public lands, the degree and type of participation that other levels of government should be allowed in that policy domain are often a source of conflict. For example, one of the stated goals of the County Movement in the West is to ensure that the Forest Service and the Bureau of Land Management meet FLPMA and NFMA requirements that they coordinate their **planning** activities with affected counties (Erm 1993-94). In the view of County Movement supporters, previous federal planning efforts have not provided county officials a **sufficiently** large **role** in deciding what kinds of activities should be undertaken or prohibited on federal lands, and a series of new county land use ordinances spelling out a more expanded county **role** in decision-making on federal lands have recently been adopted in many western states (Erm 1993-94). Whether one agrees with their argument or not, one point is clear: perceptions

differ considerably as to what the roles of different levels of government ought to be even in situations where those roles have historically been relatively clearly delineated.

The question of boundary **definition** brings us to a second meaning of the word “control”.

Schattschneider (1960) notes that control over policymaking and possession of formal authority to select among policy choices are distinct issues. an argument that is supported by studies of the exercise of power in decision making (**Lukes** 1974: **Bachrach** and **Baratz** 1970: **Kingdon** 1984).

According to these studies, control over policy choices is only part of the story. The rest of the story, and often the more important part, consists of who controls what choices are placed (or not placed) on the menu of policy options in the **first** place.

Gaventa’s (1980) analysis of power and decision-making in Appalachia provides a classic example of how one corporation, American Association, was able to head off threats to its economic domination of Tennessee’s coal-mining district for decades by limiting the kinds of issues that were brought into the polling booth or public decision-making forums. The strong-arm tactics used by the American Association to retain its control of Tennessee’s coal fields are not the **only** way in which policy agendas, and thus the range of policy solutions, can be restricted. For example, **McEvoy** (1986) details how by attributing the decline in the abalone and shrimp fisheries in turn-of-the-cennny Northern California to Chinese fishing techniques, non-Asian commercial fishers were able to narrow policy options under consideration to regulations restricting techniques practiced **only** by Chinese fishers. **McEvoy** also illustrates how during the **early** 20th century, scientific ideological commitment to the idea that the key to fish protection consisted of controlling the interaction between harvester and prey effectively focused attention on artificial propagation as the solution to California’s “fisherman’s problem”. and shunted attention away from policy options that would have limited land use activities

such as mining and marshland reclamation.

Effects of Policy Processes on Decision Quality and Implementation

The three policy process models described earlier allow for a federalist system in which the formal locus of control rests at multiple levels. However, because the models differ in their assumptions about the roles of various actors (including participation in the problem definition process) and the circumstances under which private individuals, and groups can be compensated for the costs of public action, they have very different implications for the answer to the question: how does locus of control affect decision quality and implementation? The following section examines each of the models again, this time describing how actors within each model relate to each other in a federalist system, the circumstances under which each model would permit private parties to receive compensation for the costs of public policy changes, and some likely impacts of variations in the locus of control on decision quality and implementation.

Market Politics

Market politics in a federalist system would be characterized by the presence of multiple layers and branches of government all seeking to maximize individual preferences at their level, rather than trying to coordinate individual preference maximization across levels or branches. One can visualize this governance structure as a free form sculpture created through the uncoordinated action of several layers and branches of government, each of which arrives at its choice of design for its section of the sculpture by selecting the design preferred by most of the individuals in its sphere of authority.

For each level and branch, government officials assume the task of identifying whether market failures have occurred and whether government intervention at their level would correct those failures. In

addition, public administrators at each level gather information about individual policy preferences, aggregate those preferences following agreed upon procedures, select the policy options that maximize individual satisfaction, and carry out whatever tasks are required on their part to implement those decisions (Reich 1985). However, their information gathering is limited primarily to finding out about preferences within their sphere of action. In short, if we go back to the sculpture analogy, responsible officials create a selection of designs for their part of the sculpture based on their knowledge about the range of individual preferences in their domain, and then select that design preferred by most of their constituents. On the one hand, this free-form process could lead to an interesting and unique design; on the other hand the entire structure could collapse as construction processes of the different layers diverged.

In the federalist market politics system, public officials at all levels interact with citizens as individuals and not as groups. Administrators thus would not rely on non-governmental organizations for information about policy preferences. Citizens play a passive role in every level of governance, limiting their involvement to relaying their preferences to the appropriate officials in the appropriate level of government for a particular issue. As long as the proper procedures are followed, citizens whose self-interests are not addressed by a given decision will theoretically recognize the legitimacy of decisions.

If we assume for the moment that the policy process actually works as depicted by the market politics model, what happens to decision quality and implementation as one shifts the locus of control of formal decision making? The only definitive answer one can give is "It depends on who one asks". The reason for this equivocal reply is that the model uses efficiency as its selection criterion while providing no mechanism for addressing issues of fairness and justice (Sagoff 1982). Yet decision

quality is clearly partly a question of fairness and justice, and not just a question of efficiency. When asked to evaluate whether decision X is a good decision, the questions one is forced to ask are “Good relative to what and good for whom?”. From the standpoint of implementation, the answers to these two questions are not trivial, since the degree to which a policy is implementable may rest on whether the affected population perceives it to be fair and just.

In a country with a heterogeneous population and a governance system in which decision authority is distributed across various levels and branches of government, decisions derived through a market politics process will almost inevitably encounter difficulties due to perceptions of unfairness, regardless of where formal control is situated. A brief example illustrates why. Suppose that formal authority over the area in what is now the Olympic National Forest is vested in Clallam County and that aggregating local preferences on how to manage the forest leads to a decision to log the remaining old growth. From the timber worker’s standpoint this is a good decision, from the environmentalist it is a bad decision. If, on the other hand, formal authority rests as it does with the federal government aggregating individual preferences from the entire country might well shift the balance toward keeping the old growth forest intact. In this case, the same decision process, moved up to another scale, produces a decision that is bad from the timber worker’s standpoint and good from the environmentalist’s perspective. Yet the fact that the Olympic National Forest is in federal rather than county or state hands is an accident of history. It is difficult, indeed, to argue that it is inherently “better”, from either an ecological or socio-economic standpoint, to manage the forest at one level or the other. The efficiency criteria of the market model does not help us assess whether the county or the federal scenario is better (i.e. more efficient), it merely raises the question “More efficient for whom?” Moreover, the inability of the market model to provide a justification for why the values of one group should dominate over another group’s values has negative consequences for policy

implementation for it leads stakeholders who are negatively affected to question the legitimacy of decisions resulting from the policy process.

In addition to the above difficulty, the market politics model makes 3 number of misassumptions about reality that also have implications for how locus of control affects decision quality. For example, the model incorrectly assumes that **all individuals** are capable of articulating their preferences. It also assumes that administrators **are** neutral **and** capable of defining the full range of policy problem definitions and **preferences**. Studies of politics suggest that both of these assumptions are false: better educated individuals for example, **are** more likely to make their preferences known (Schanschneider 1960); and **administrators**, like everyone else, have biases that shape the kinds of information they gather **and** the kinds of choices they propose (Stone 1988; Bosso 1987).

Logically, one **would** expect the distortions caused by these misassumptions to increase **as** one moves up through various levels of **governance**. For example, one can suppose that **populations** tend to be more homogenous at the local level, so that even 3 poorly informed local **administrator** is likely to be more aware of the range of preferences among his constituencies than her state or federal counterpart. Moreover, one would expect that **local** administrators are more likely to have to **deal** face-to-face with their constituency and thus are **more** likely to be responsive to their constituency's concerns. On the other hand, local officials may fail: to see or have little concern for the negative effects of local decisions on people and resources outside their jurisdiction (Lee 1992). Thus one arrives again at the same questions - "Better for what and better for whom"? - posed earlier when searching the **real** workings of **market** politics to see if they provide any clues **as** to whether 3 given type of decision is better made at the **local, state,** or national level.

Compensation for the private costs of public action is one way to remedy the legitimization problems that result from perceptions that a public policy decision is unfair. In the real world, policy processes predicated on market politics assumptions recognize that free market principles are not always operative. Ideally, the market seeks to maximize individual welfare without harming the welfare of others, the pareto optimum (Caporaso and Levine 1992). Compensation is thus justified in cases where the pareto optimum is not attainable - where maximization of individual preferences results in some individuals gaining at the expense of others. Although such compensation can sometimes dampen feelings of resentment among losers in the policy process, in cases where the cost is incurred in non-tangibles or unique values, such as cultural identity, future options for enjoyment, or existence values, monetary or in-kind compensation will not likely be considered an acceptable exchange by the losing parties.

Adversarial Interest Group Model

Does the adversarial interest group do any better at addressing the locus of control and decision quality argument that plagues debates about policymaking in a federalist system? The federalist framework throws a twist into the adversarial interest group model by adding in some new interest groups - the various levels and branches of government. Each level of government seeks to maximize the preferences of its constituent interest groups rather than trying to maximize preferences across levels of government. The image that comes to mind is again the free-form sculpture of market politics, except that in this case, each level of government selects a design for its part of the sculpture that pleases the most number of interest groups rather than individuals.

As in the market model, problems are defined by interest groups making their preferences known to public officials at various levels of government. At all levels of government, administrators seek to

ensure that all relevant interest groups have an equal opportunity to make known their preferences. Once the preferences are on the table, public administrators select the option that satisfies the largest number of interest groups at their level of governance. As long as the proper procedures are followed, it is assumed that those interest groups whose preferences were not satisfied will recognize the legitimacy of policy decisions.

The citizen's role in this policy process consists of joining with others who have similar interests and working within that group to identify others who hold similar interests. They also work as a group to develop a strategy to ensure that their preferences get articulated in public fora. The role of non-governmental groups is critical to the proper functioning of the policy process, as the process has no means for taking into account individual preferences. As a result citizens may compromise on their ideal preferences in order to develop groups with wider appeal, making the system slightly more flexible than the market politics process. The model posits no interaction (other than making preferences known) among interest groups, but interest groups could well function at multiple levels (i.e. local, state, and federal). To the extent that interest groups function at multiple layers of government, the possibilities for coordination of policy across governance levels is enhanced.

From the above description, it is clear that the adversarial interest group model and the market politics are based on many of the same assumptions - neutral administrators, fixed preferences, equal opportunity of access, emphasis on procedural fairness as a means to ensure legitimacy, and a limited role for citizens in problem definition. Its criterion for policy selection - maximization of interest group satisfaction - is essentially just the market politics criterion of efficiency applied to groups. Not surprisingly, then, it is equally unable to address the question of how decision quality varies with the locus of control. Replace individual citizen preferences with interest group preferences in the Olympic

National Forest scenario laid out in the market politics section above and one inevitably arrives at the same question: "More efficient from whose perspective?" The model simply cannot answer this question when multiple scales are involved since there is really any inherently obvious reason why efficiency at one scale should take precedence over efficiency at another scale. Moreover, as **Schattschneider** (1960) demonstrates, there is no evidence to suggest that the conditions assumed by the model - equal opportunity of access, complete information, etc. - are any more likely to occur at the local level than at the state or national level - or vice versa. As a result, dissatisfied interest groups at all levels are unlikely to be convinced that the procedures used to arrive at decisions were, in fact, fair. The consequence is likely to be a plethora of lawsuits appealing whatever decisions have been made on the grounds of procedural irregularities. As evidenced by the legal wrangling over old growth forests in the Pacific Northwest and the protracted court battles that preceded the Timber, Fish and Wildlife negotiations in Washington State, perceptions of unfairness and the subsequent lawsuits by disappointed contenders can create a policy implementation nightmare that lasts for years.

Like the market politics model, the adversarial interest group model's provisions for compensating private costs incurred through changes in public policy commitments are often unable to address perceptions on the part of losing interest groups that decisions are unfair, and thus not legitimate. The AIG model seeks to maximize the number of interest groups who are satisfied with a decision, and thus runs into the same difficulties as the market politics model when maximizing group preferences increases the satisfaction of some groups at the expense of others. In such cases, compensation is required to keep the market assumptions of free exchange operative. Additionally, the AIG model provides other compensation opportunities because compensation can also be used as a tool to change an interest group's views about whether a decision is satisfactory. It thus is justifiable if one wishes to expand the number of groups that will buy into a given policy decision. As with the market politics

model. these compensation strategies can help decrease perceptions that the decision process is unfair. However, they are not very useful for this purpose when the costs are not economically quantifiable, or where no clear in-kind exchange can replace what was lost.

Participatory Democracy

The above discussion identifies why the market politics and adversarial interest group models are inappropriate policy processes in a context of multiple levels of governance. Neither model provides a satisfactory answer to the question “Better for what and better for whom?”. and thus cannot satisfactorily address the question of how to evaluate decision quality. Additionally, the models’ inability to provide a justification for why some values should take precedence over others, inevitably leads to perceptions that the decisions have been arrived at unfairly and that they should, therefore, be challenged.

Does the participatory democracy policy process do any better in this respect? :

In contrast to the market politics and adversarial interest group processes, the participatory democracy process focuses on creating a sense of common purpose and shared interests within and across governance levels. In this model, actors of all types are assumed to engage in two-way interaction with each other during the policymaking process. These kinds of interactions can potentially occur both within levels of governance and between levels of governance. In contrast to the free form sculpture of the previous two models, the ideal participatory democracy structure bears a closer resemblance to a spider’s web: each level has connections within it and each level is potentially connected to other levels. Most importantly, a common purpose guides the overall construction of the web, as well as

each level of webbing.

Ideally then, different layers of government and different branches within governments would **relate** to each other **as partners** in a shared enterprise, rather than **as competitors**. The role between government **officials** and citizens is **also** quite different **from** that **assumed** by the other **two** models. In the participatory democracy world, citizens **are** actively engaged with government in the **definition** of problems **and** the development of policy choices. Government serves both to exercise formal **authority** in policy selection, and to facilitate public dialogue. In a direct participatory democracy, non-governmental organizations would play **a** relatively minimal role. In other models of participatory democracy, non-governmental organizations would serve as knowledge and power brokers between governments **and** citizens.’

How would the relationship between locus of control **and** decision quality **and** implementation play out in a policy process **based** on **a** participatory **democracy** model? Unlike the previous two models, participatory **democracy** uses fairness **and** justice **as** the basis for deciding what policies to select. The use of this criteria suggests that **a** common notion of what is fair **and** just exists **across** the different levels. The existence of **a** common view of what should be provides **a** benchmark that can be used to **assess** questions **about** the quality of decisions both within **and** **across** levels of governance. Since the benchmark against which decisions **are** judged is created through **a** process of public deliberation engaged in by **a** wide **group** of citizens, rather than being established by **a** select **group** of citizens or government officials acting according to their view of what constitutes the public interest, **acceptance** of decisions is likely to be widespread **and** decisions more easily implementable. The process’ **focus**

³ Jack Manno’s (1992) study of the role of non-governmental organizations in the negotiations of the 1987 Great Lakes Water Quality Agreement provides **an** example of how such **groups** can **serve as** **a** bridge between citizens and government.

on the sharing of costs and benefits equitably, rather than leaving their distribution to the whims of efficiency further enhances perceptions of legitimacy.

In the participatory democracy model, the issue of compensation is not a question of conferring legitimacy nor is it a question of compensating for market failures. The criterion used to determine whether compensation is required in this model is that of fairness in the distribution of costs and benefits, where fair is defined relative to a collectively determined notion of what is "right". Both citizens and government officials would take an active part in determining whether and what kind of compensation is warranted.

IV. Implications for the **Eastside** Ecosystem Management **Strategy**

A. The Decentralization-Centralization Paradox

The final issue that this paper deals with is how the above discussion of policy processes and locus of control issues contributes to the Forest Service's efforts to implement an ecosystem management strategy in the Inland Columbia Basin. Ecosystem management focuses on managing biophysical systems as a whole, instead of managing lands and waters for one or several dominant uses (Hays 1988). Complexity is a key characteristic of these systems, which are composed of many, interrelated components (Oliver 1992; Hilbom 1987). Change is also a key feature of ecosystems, as both individual components and the system as a whole respond to internal and external forces (Botkin 1990; Hilbom 1987). Due to the occurrence of unpredictable and catastrophic events, uncertainty about what the effects of a given management intervention will be is the norm, rather than the exception (Botkin 1990). And, as the recent collapse of the groundfish fishery off the New England coast illustrates, the cumulative effects of individual human actions can result in considerable, if not irreversible damage, to ecosystem components.

In *Compass and Gyroscope* (1993). Kai Lee maintains that ecosystem management's key dilemma is how to deal with the decentralization-centralization paradox. The paradox of managing on an ecosystem basis is that it requires decentralized management at the local level (where detailed knowledge about site-specific conditions is located), but it also requires a centralized mechanism for coordinating diverse activities on a wide scale (to avoid the problem of cumulative effects). In short, ecosystem management grapples with the same issues as federalism: How can one govern well locally, and still not compromise national survival?

B. Constructing A Policy Process Appropriate for Ecosystem Management

What can the Forest Service expect to happen as it attempts to implement an ecosystem management strategy in the Inland Columbia Basin? The discussion presented in this paper suggests that what happens will depend in large **part** upon the kind of policy process used to implement **that** strategy. Used alone, the market politics policy process and the adversarial interest group model are **poorly** suited to creating the social ties required to address **the** coordination needs of ecosystem management. Both processes are structured in ways that lead to social division rather **than** social cohesion, turning the focus of management from the question "What approach **will** allow us to address our needs and **also the** needs of the various larger communities of which we are a part?" to "How can we get the most for us at the least cost, **regardless** of what happens to others?" This is clearly not an appropriate strategy for ecosystem management, where the capacity to deal with cumulative effects of individual and organizational actions is critical- Neither process is able to adequately address questions of equity, either within levels of governance, or across levels of governance, in both processes there are almost always losers (the exceptions being when every individual or interest group has the same preferences or when no or few preferences conflict **with** others - both currently improbable situations for the **Eastside** region). Because neither process can justify a choice among incomparable choices, they create

a climate that encourages dissatisfied citizens to question the legitimacy of policy decisions. In the Eastside, relying solely on either of these processes for making policy is likely to lead to continued gridlock in the natural resource policy arena as individuals and interest groups pursue their current tactics of challenging any decisions they disagree with. Shifting the locus of formal decision making authority up or down won't resolve this problem - it merely changes who files the lawsuits instead of generating cooperation within and across levels of governance.

Yet one should not reject these approaches out of hand merely because they create conflict. Federalism is based on the idea that conflict can be useful, indeed, necessary, as a means for preventing any one set of interests from monopolizing power (Anton 1989). Schattschneider (1960) documents how interest group politics provides opportunities for the weak to make a bid for power, and how even those with relatively limited resources can shift policies in their favor by **manipulating** the scope of the conflict. Recent examples in **natural** resources management also point to the learning opportunities in both approaches. Disagreements over the assumptions of the **Bonneville** Power Administration's **cost-benefit** models used to calculate desirable water flows for **the** Columbia Basin in the mid-1980s prompted fishing interest groups in the State of Washington to develop their own, more sophisticated models of water flows and salmon population cycles (**McLain** and Lee 1995). These models have since been incorporated into the Northwest Power **Planning** Council's policymaking process (McLain and Lee 1995). In the Fraser River Basin in British Columbia, utility maximization models initially designed to select optimal salmon fishery policies have been used **with** considerable success **as** tools for identifying value differences among user groups (**Hilborn** and Luedke 1987). Interest group politics associated with **a controversial decision** by the Forest Practice Board of the State of Washington to allow timber harvesting near a lake in Snohomish County led to the inclusion of counties and federal agencies into the state's Timber, Fish, and Wildlife policy making process (**Halbert** and Lee 1990).

enhancing the ability of the state to address cumulative effects issues.

As Lindquist points out, conflict can be used as a way to facilitate policy learning, provided one develops ways to constructively manage it:

Conflict can be construed as a prime motivator for learning, although there are points beyond which conflict ceases to be productive. It is critical that public managers take steps to comprehend where these outer limits lie and how to nurture productive competition and learning within them. Public managers may also be able to steer the debate by shifting discussions towards more constructive topics, encouraging the protagonists to drop direct criticism of rival coalitions and to focus on secondary issues (Lindquist 1992:150).

However, as Lindquist also notes, developing ways to constructively manage conflict is only part of the solution. The other part involves improving cooperation:

While it may be comforting to know that conflict can lead to learning, it does not mean that it always leads to the best outcomes for policy communities and citizens. It does not seem wise nor efficient to wait until disaster strikes or until a charismatic leader convinces all community members that significant change is required. There is an alternative path to policy learning...that of cooperation (Lindquist 1992: 151).

The participatory democracy model of policy making offers several ways to enhance learning through cooperation. The process of engaging in public deliberation allows both citizens and public officials to become more aware of their own needs and preferences, more aware of the needs and concerns of others around them, and most importantly, provides a forum in which shared understandings about problems and how to solve them can be constructed (Van Horn et al 1989). In this way, participatory democracy creates a public "space" where problems and solutions can be redefined in ways that make them acceptable to a broad spectrum of participants (Reich 1988). Participation in joint-problem solving gives participants a better sense for how their lives fit within the lives of the larger community of which they are a part, which in turn enables them to feel they can contribute to the functioning of their society rather than assuming that governance is a task reserved for governments (Orren 1988). Finally, the participatory process provides a forum where latent conflicts can surface, and be addressed

(or at least acknowledged) before they become unmanageable (Reich 1988).⁴ The participatory democracy process thus provides ways in which people not only learn about themselves and others, but also acquire the skills and sense of shared values needed for them to engage in collective action (Orren 1988). However, as the above discussion indicates, the key to engendering such collective action at an ecosystem level requires strengthening communication and participatory processes not just within levels of governance but also between existing levels of governance.

Lessons from Existing Collaborative Management Efforts

A number of efforts are already underway to create new kinds of participatory management coalitions at a variety of political and ecological scales. *In Building Bridges Across Agency Boundaries*, Wondelleck and Yaffee (1994) provide a detailed overview of such attempts between the U.S. Forest Service and a variety of stakeholders. Smith, Robinson, and Shannon's (1995) comparative study of ten cases of **multi-jurisdictional** and multi-ownership management strategies, ranging **from** watershed to region-focused coordinative efforts, also offers useful insights about **institutional** factors **that** enable management partnerships to work effectively. The purpose of this report is not to summarize the results of these or similar pieces of work, however it is worth noting a few of the major lessons that are beginning to emerge as these partnerships evolve. One common theme in collaborative resource management partnerships in particular is worth elaborating upon -- many of the efforts encounter difficulties as they attempt to reconcile a philosophy of equality within the group with the reality of unequal power relations outside the group. This theme is pertinent to the discussion at hand since a commonality of the three models of policy processes outlined above is that they all assume, to some degree, the existence of a level playing field. The first three examples are drawn from Wondelleck and

⁴ Mansbridge (1975), however, notes that participatory processes can also be oppressive for less articulate citizens, or for citizens who are reluctant to raise an issue that runs counter to majority thinking. In such cases, participatory processes may serve to hide rather than reveal conflicts.

Yaffee (1994); the last two examples are discussed in Smith, Robinson- and Shannon (1995). All five contain elements of both the interest group politics and participatory democracy models.

Applegate Partnership

The Applegate Partnership in Oregon is perhaps one of the most frequently cited examples of a “successful” ecosystem management effort. The brainchild of an independent initiative on the part of an **environmentalist** and a forest management company owner, the Applegate Partnership was created as a mechanism for resolving the highly polarized owl vs. jobs **atmosphere** that pervaded southwest Oregon in the early 1990s. A coalition was formed between local environmentalists, industry groups, community groups, the BLM and the USFS to develop a plan for managing the Applegate watershed.

The group functions on the principle of participant equality, and a deliberate effort was made to get participants to focus on other members as people, rather than representatives of a given interest group. According to participants, the principle of equality among members is one of the major factors behind the group’s success, as it meant that the agenda of no one member or group of members could prevail. Other factors that appear to have helped the Applegate Partnership function well include the group’s insistence that the Partnership keep its activities local in scope and the fact that it drew environmental and industry-oriented members from the local community rather than national level groups. In short, the **Applegate** Partnership has many characteristics of what one might expect in a hybridization of participatory democracy and **interest** group politics.

Although the **Applegate** Partnership illustrates the benefits that can arise when attempts are made to create a climate of equality, in fact the group has experienced **difficulties** as it tries to reconcile the ethic of equality with the reality of unequal power relations. For example, national environmentalists have been hesitant to support the group as a model for broader-based initiatives on the grounds that environmental interests may be **underrepresented** in many **rural** areas. The group also illustrates the dilemmas that are created when an ecosystem management group conflicts with established systems of authority. For example, some Forest Service employees are very concerned about the potential loss of control that the group represents for the agency. The issue of loss of control, and attendant fears of opening the agencies to a suit on the grounds that the partnership fails to meet legal requirements imposed by the Federal Advisory Committee Act has recently led to the BLM and Forest Service’s withdrawal as full participants in the process?

Elkhorns Mountains Cooperative Management Agreement (EMCMA)

The EMCMA, a coalition between the Forest Service, the Bureau of Land Management, and the Montana Department of Fish, Wildlife, and Parks, was initiated

⁵ A more detailed discussion of the FACA issue is provided in the next section.

in 1992 for the purposes of managing the **Elkhorns** mountain range in Montana. The group is headed by a steering committee composed of line officers from each of the three agencies, and implementation is carried out by an implementation group and extended team composed of members of the different agencies. An employee of the Forest Service coordinates all management activities in the **Elkhorns**. Participants in the process note that the EMCMA has enabled them to make better use of the resources and expertise available among the three agencies, and thus has allowed them to do more than if they had operated alone.

Differences in access to resources on the part of the three **stakeholders**, however, has created some tension within this group. The Forest Service, which controls the **largest** portion of the **Elkhorns**, has more human and financial resources that it can devote to the project. BLM participants note that the Forest Service thus has a tendency to overwhelm the other agencies, who simply lack the resources to act as quickly.

Negrito Ecosystem Project

The Negrito Ecosystem Project was established in 1992 to manage the Negrito watershed at the head of the **Gila** River. The project grew out of volunteer efforts by an environmental group to develop new ways of managing the **riparian** areas and range in the watershed. NEP is run by a core group of people, including a representative from the forest service, the original environmental group, a biologist, a representative of a timber company, a county extension agent, and a **cattle rancher** with a **grazing permit** for the watershed. The core group takes part in regular meetings and conducts much of the work needed to keep the project running. A larger group of people with varied backgrounds and interests also takes **part** in scoping meetings on a more or less regular basis. The group **operates** on a consensus basis, and principles of equality. Despite being located in **Catron** County, New Mexico, the heart of "County Movement", the project has managed to maintain local and agency support. Like the Applegate Partnership, NEP serves as a model for federal and local cooperation in an area characterized by a high degree of polarization.

As with the Applegate Partnership, one of the major difficulties to overcome has been Forest Service reluctance to relinquish any control over management in areas where it previously had exercised considerable **control**. Overcoming this reluctance has required frequent, often time-consuming discussions to build trust among participants. Willingness on the part of more powerful **partners** to relinquish some of their previous control appears to be a **critical** element in the success of participatory strategies.

Washington State's Timber, Fish and Wildlife Agreement

Washington State's **Timber, Fish and Wildlife** Agreement was established in February 1987 as a mechanism for state agencies, Native American tribes, environmental organizations, and the forest products industry to co-manage timber, fish and wildlife in the State of Washington. **TFW** is an informal, unsigned agreement that sets forth the process by which forest practices on private and state forest lands are regulated and managed in Washington State. Decisions are based on consensus, with all cooperators treated as equals. Initially membership in TFW was deliberately limited to the four

principal State natural resource agencies, forest landowners, Native American tribes and environmentalists during its formative years. Other stakeholders, including local governments and the U.S. Forest Service, were excluded from the initial negotiations and subsequent policy discussions on the grounds that too many cooperators would weaken the coalition and make it impossible to achieve consensus. The weakness of this approach, became evident in 1989, when conflict emerged over a forest harvesting application for a site near a popular recreational lake managed by one of the counties. To avoid similar conflicts in the future, the regular membership of TFW committees was expanded to include local governments and relevant federal agencies.

Currently, power and wealth differentials among stakeholders threaten to undermine the process. The environmental groups participating in Washington State's **Timber, Fish, and Wildlife Agreement** process, for example, have found it increasingly difficult to maintain 3 corps of volunteers to participate in the field interdisciplinary teams that play 3 key role in ensuring that site-specific harvesting recommendations address fish and wildlife concerns (Pissot and Cullinan 1992) . As their inability to participate equally with timber interests and state agencies in the TFW process has become more evident, the attention of environmental groups is shifting increasingly toward the media and the legal arenas as forums for furthering their agenda. The difficulties encountered with the TFW process suggest the importance for ecosystem management efforts to identify and utilize mechanisms that can help support those groups who must rely on long-term volunteer participation. Without such mechanisms, groups that must rely on volunteers may become disillusioned with the process and seek redress in other **arenas**.

Northwest Power Planning Council

The Northwest Power Planning Council provides 3 lesson in how to approach unequal power **relations** in the realm of knowledge production. The Northwest Power Planning Council was established by Congress in 1980 to coordinate fish, wildlife and hydropower management in the Columbia River Basin. Composed of government appointees from Idaho, Montana, Washington, and Oregon, the Council was **asked** to manage the Columbia River Basin system using the best scientific **information available** and by facilitating cooperation among the system's stakeholders.

Initially, the Council relied solely upon models developed by the Bonneville Power Authority and the Army Corps of Engineers for making its water flow recommendations (AFL Memo 38 1986). However, the fish agencies and tribal authorities objected **strongly** to the Council's reliance on these models, arguing that the models' underlying assumptions favored hydropower interests. Eventually the fish interests won their case in court, and the Council adopted 3 new model developed through a **collaborative** process between utility and environmental interests (Swartz 1993). Groups who disagree with the model's assumptions can now petition **the** Council to modify the model. The Council sends copies of the models to groups interested in running their own simulations, and provides staff support for groups who wish to run their own simulations but lack the hardware to use the models themselves. The Council has adopted the twin policies of making information **readily** available and of opening up the analysis process for a very **pragmatic** reason -- if stakeholders disagree on the structure of the models used to identify alternative scenarios, conflicts

over management recommendations will remain unresolvable (Swartz 1993). The NWPPC case thus is an interesting example of how a collaborative planning effort has sought to overcome some of the disparities in terms of access to the knowledge production processes that form the basis for policy decisions.

FACA: Help or Hindrance to Democratic Ecosystem Management?

One existing mechanism for addressing unequal power relations in federal policy arenas is the Federal Advisory Committee Act of 1972. Ironically, this act, which was designed to have a levelling effect on policy playing fields, threatens to become the Achilles heel of ecosystem management (Meidinger 1995; Wondelleck and Yaffee 1994). Briefly, FACA requires that when the government establishes or uses an advisory committee the committee must be formally chartered, it must have a balanced membership in terms of views represented, it must hold open meetings, and that it must be controlled by the federal agency making use of the committee (Meidinger 1995).

In a recent analysis of cases pertaining to FACA, Meidinger (1995:22) concludes that even under a focused interpretation of the statute, "most ecosystem management groups would arguably still be covered by the Act", and thus subject to all of its requirements, including the requirement that federal employees call, approve and chair all meetings (Meidinger 1995). Fear that FACA restrictions also apply to independently formed groups has been cited as a reason for the withdrawal of the federal land management agencies from one newly formed ecosystem management group, the Applegate Partnership (Wondelleck and Yaffee 1994). In his analysis of FACA's implications for ecosystem management Meidinger (1995) cites a number of reasons why groups structured to meet FACA requirements are likely to be inappropriate for ecosystem management. These reasons essentially fall into two categories: excessive federal control and susceptibility to bureaucratization. Wondelleck and Yaffee also note that FACA's chief weakness is that it was designed to prevent undemocratic participation, rather than to facilitate democratic participation. Consequently they argue that it "does

not provide **3** proactive **structure** and **3** set of incentives to encourage the open exchange of information and collaborative decisionmaking needed in today's pluralistic society" (Wondelleck and Yaffee 1994: Appendix D-1).

Meidinger identifies two major possibilities for establishing ecosystems management groups not directly subject to FACA: creating **groups** that are not full-fledged committees (*i.e.* subcommittees, operational committees, etc.) or that **are** facilitated through the states or tribes, and waiting for groups to emerge on their own. However, he notes **that** the former option ultimately suffers from the same problems of federal control and bureaucratization as FACA groups while the second option may preclude **significant** federal participation in consensus building activities (Meidinger 1995). A question that touches the heart of ecosystem management is thus raised: "How **can** the participatory process proceed without the involvement of federal land management people"? Meidinger's (1995:30) response is that it cannot, and he notes that "many of the most innovative efforts to achieve ecosystem management involve difficult and sometimes risky balancing **acts** which occur on the margins of existing legal frameworks". Wondelleck and Yaffee (1994) arrive **at** the same conclusion, and argue **that** the USFS should review possibilities for revising FACA. Clearly relying on "bargaining in the shadow of the law" (Meidinger 1995) as **the** basis for long-term planning is **3** risky business, and the issues **raised** by FACA are among those that most urgently need to be addressed by the Eastside Assessment Management Team.

In light of the importance of cooperation for social learning, it would seem that the question "How does federalism affect agency capacity to carry out ecosystem management?" is the wrong question. Instead the Eastside Ecosystem Management Assessment Team should ask the question: How does federalism affect agency 'capacity to *contribute* to ecosystem management'? This 'new wording reflects

the need for the Forest Service to fundamentally shift the way in which it views its relationships with the various public and private entities that co-govern the Inland Columbia Basin. Until those relationships change, an ecosystem management approach is unlikely to meet with much success.

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Appendix: Some Common Critiques of the Policy Process Models

I. Critique of the Market Politics Model

The market view of policymaking underpins rational **planning** and cost-benefit analysis, two widely used approaches to policy analysis. However, the theoretical foundations of the model - and thus these approaches - are highly questionable. Some of the more common critiques of the model are listed below.

- 1) The model assumes that individual preferences are **fixed** prior to their engagement in the policy process, yet cannot explain where those preferences come from in the first place or why empirical evidence indicates they can change during policy **formulation** (Reich 1985; Orren 1988).
- 2) The model assumes that it is possible to place values on **all** preferences, **implying** not **only** that such things **as** wilderness and aesthetics can and should be **commoditized**, but also discounting the value of preferences **that** manifestly can't be quantified (**Sagoff** 1982).
- 3) Since the preferences of future generations are unknowable, the market politics model, which can only incorporate known preferences is unable to address questions of inter-generational equity (**Sagoff** 1982).
- 4) Although the model assumes that **all** preferences are equal it provides no explanation for why one individual's preferences should be allowed to dominate over others when trade-offs have to be made (Reich 1985; **Orren** 1988).
- 5) Even though the model leads to distributional inequities (by **arbitrarily** assigning greater **values** to certain choices in cases where incompatible choices **are** present), it provides no legitimate basis for remedying **those** inequities since the selection criteria is **efficiency**, not equity (Van Horn et al 1989; Stone 1988).
- 5) The model assumes that only individuals who use or are willing to pay for a given choice have **a** stake in the outcome of the decision- This assumption discounts **distributional** inequities in the **existing** economic system (**Orren** 1988; Stone 1988) and, an important point in the case of **natural** resources, discounts the idea that some people believe that things may have an , existence value quite separate from their value as resources to humans (**Sagoff** 1982).
- 7) The market model assumes that political representatives and public administrators are, neutral, and that their own values **will** not enter into the selection of policy choices (Reich 1985). Evidence from studies of politics and policymaking suggest that this assumption is false (Schattschneider 1960; Bachrach, 1975; Reich 1985).

II. Critique of the Interest Group Model

Although the pluralist interest group model was widely accepted by political scientists during the 1950s and 1960s, over the last twenty years it also has been strongly critiqued. Some of the weaknesses of the model are outlined below.

- 1) The model **assumes** that interest group preferences are fixed prior to participation in the policy process, and that new preferences **cannot** be **created** through the process of public discussion (Reich 1985; On-en 1988);
- 2) The model assumes that only those **interest** groups likely to be directly affected by a proposed policy should be able to express their preferences (Reich 1985; Bosso 1987);
- 3) The model assumes **that all** individuals are equally able to organize into interest groups **when** in fact empirical evidence suggests **that** poor and less educated populations are much less likely to organize or co **participate** in public forums (Bosso 1987; Schattschneider 1960);
- 4) The model uses a version of efficiency - **the** satisfaction of the maximum number of groups **at the least** cost **in** terms of dissatisfaction of other groups - as the criterion for selecting among conflicting options. The weakness of this criterion is that it assumes that all group preferences **are** equal, but provides no justification for why one group's or set of groups' interests should dominate rather than another's in cases of stalemate (Stone 1988).
- 5) From a process standpoint, the AIG model encourages groups **unsatisfied** with policy choices to appeal those choices on procedural grounds, with the potential **risk** of policy paralysis until external events restructure the nature of interest group preferences (**Yaffee** 1994).
- 6) The adversarial interest group model assumes that government officials are capable of operating **as** neutral referees, and that their biases and values will not **shape** the choices articulated or selected (Reich 1985).