Center for Collaborative Policy

Is Devolution Democratic?

Assessing Collaborative Environmental Management

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Abstract

This paper proposes a normative framework for evaluating the democratic merits of collaborative policymaking processes in which authority is ostensibly devolved from higher levels of government to lower levels or from the public sector to the private sector. The framework casts the democracy of devolution in terms of six criteria: inclusiveness, representativeness, procedural fairness, lawfulness, deliberativeness, and empowerment. The framework is then applied to a random sample of 76 watershed-based stakeholder partnerships in California and Washington State. Although the study reveals potential problems related to the exclusionary nature of some partnerships and the nearly complete absence of national environmental groups, the overall picture is relatively positive. Representation was generally balanced, with environmental and economic stakeholders comparable in terms of number, costs of participation, and level of formal education. Stakeholders typically gave partnerships high marks for procedural fairness, and reported improvements in human and social capital, suggesting quality deliberation. Half of the sampled partnerships had implemented new policies or projects, indicating empowerment. Finally, the study detected no evidence of a diminished role for government in watershed management; federal and state agencies are among the most prevalent and influential participants in stakeholder partnerships.

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Since the mid-1980's, federal and state agencies have increasingly turned to local stakeholders to help guide and implement environmental policy. Across the United States, public administrators are participating in stakeholder partnerships, which often include tribal and local governments as well as private-sector industry representatives and advocacy groups (Kenney et al. 2000; Leach, Pelkey, and Sabatier 2002). Meeting approximately one day each month, participants seek to educate one another about pressing social and ecological issues while building professional working relationships. Ultimately, partnerships aspire to reach and implement agreements on how to manage local natural resources.

These experiments in collaborative environmental management represent a departure from traditional top-down, command-and-control regulation. Although the history of public participation in environmental policymaking in the United States is rooted in the major statues of the 1960's and 1970's, opportunities for such participation have been relatively limited (Sabatier, Weible, and Ficker 2004).[1] Citizens and scholars have roundly criticized agencies for going through the motions of soliciting and responding to public comment only to the minimum extent required by law (e.g. Mohai 1987).

Observers of the recent trend toward a more collaborative, community–based style of resource management describe it as a form of devolution, meaning a formal or de facto transfer of authority or influence from higher levels of government to lower levels (e.g. Kelleher and Yackee 2002) or from the public sector to the private sector (e.g. Swartz 2001). Political scientists define devolution as a process wherein a higher body confers powers upon a lower body, but retains the right to retract the conferred powers (Bogdanor 1991; McLean 1996). Thus, devolution is distinct from federalism, which describes a political system having a constitution that assigns different sets of powers to federal and state governments.

Proponents see devolution as a tremendous opportunity to reinvigorate American democracy by engaging local officials and ordinary citizens in the stewardship of natural resources, and by spurring a more thoughtful, less partisan, policy dialogue. The successes of local partnerships are allegedly well-documented (Kenney et al. 2000), and are said to "vindicate the Jacksonian faith in the capacity of citizens to govern their own affairs" (Sabel, Fung, and Karkkainen 2000, 44). Proponents believe this direct and deliberative form of democracy results in government that is more informed, coordinated, flexible, and responsive to the will of the people (Booher and Innes 2002).

Critics, however, see devolution as a threat to democracy—a way to shift power from elected representatives (and the public administrators they appoint) to local groups of self-appointed stakeholders pursuing parochial interests. Some view devolution as a violation of the public trust in which state and federal agencies staffed by professional experts transfer their regulatory authority to eager (but unsophisticated and overextended) "interested citizens" and "volunteer monitors." Other critics of devolution fear that, in collaborative settings, polished and highly paid representatives of industry or government might intimidate or dupe environmental advocates, who generally are volunteers and laypeople.

Although much has been written in praise and criticism of devolution's impact on democracy in environmental management, few authors have attempted to offer simple yet relatively comprehensive frameworks for evaluating the democratic merits of devolved policymaking processes (e.g. Fung and Wright 2001, 17-21; Laird 1993; Thomas 1995), and fewer studies have presented quantitative evidence comparing actual instances of devolution against a checklist of democratic ideals (e.g. Moote, McClaran, and Chickering 1997; Overdevest 2000). What data are available pertain mostly to isolated case studies, which are useful for illustrating arguments, but cannot provide a representative picture of how devolution is impacting democracy generally. This study begins to fill these gaps by proposing a framework for assessing devolution in terms of inclusiveness, representativeness, procedural fairness, lawfulness, deliberativeness, and empowerment. The study then applies the framework to evaluate a random sample of 76 watershed-based stakeholder partnerships in California and Washington State, thereby documenting which fears about devolution frequently materialize, and which do not. Some arguments about devolution and democracy—however valid conceptually—appear to be relatively moot in practice.

A Framework for Evaluating the Democracy of Devolution

Most concerns about the democratic implications of devolved resource management focus on six qualities of the policymaking process: inclusiveness, representativeness, procedural fairness, lawfulness, deliberativeness, and empowerment. Each of these six qualities is introduced below, beginning with a concise definition, followed by a review of the arguments for and against devolution as revealed by a survey of recent literature. The framework itself is normative; each of the six criteria is put forward as an ideal against which the democratic merits of a collaborative process can be judged.

Inclusiveness

An inclusive process places few formal restrictions on participation.

Inclusiveness refers to whether participation is open to all, or whether "entry rules" limit access. Many experts in process design hail the benefits of restricted access. Some common reasons for limiting participa-

[1] For example, opportunities for public participation in environmental policymaking are spelled out in the National Environmental Policy Act (NEPA) of 1969, the federal Clean Water Act of 1972, and the National Forest Management Act of 1976 (NFMA)

tion include a desire (a) to maintain a manageable number of individuals, (b) to create rough parity in the number of individuals representing each major stakeholder sector or caucus, (c) to involve only those individuals who have explicit authority to make decisions on behalf of some larger organization or social group, or (c) to exclude unruly personalities or individuals who obviously oppose the stated goals of the collaborative process, and who participate in order to slow down the process through parliamentary maneuvers (Carpenter and Kennedy 1988). Some groups pair their entry rules with exit rules establishing the grounds and procedures for removing participants, typically in cases of repeated violations of the group's groundrules or bylaws.

Public officials are sometimes prohibited by law from holding official positions in collaborative planning processes that incorporate as non-profit organizations, in which case the organization might adopt a two tier structure consisting of voting members and non-voting advisory members.

Underlying each entry and exit rule is the constitutional question of how the rules themselves are established, and who within the partnership administrates them. For example, are the rules established by the agency convening the process, by the neutral facilitator, or through some other mechanism? The democratic merits of inclusiveness can be challenged on the grounds that it allows well-heeled interests to "stuff the ballot box" by sending multiple representatives to each meeting. But restricting access in the name of balance creates an awesome responsibility for whomever is guarding the gate. When the gatekeeper is an elite figure such an agency official or process expert, this can further erode public confidence in the makeup of the negotiating table. Hybrid models, in which interested stakeholders form special caucuses to elect representatives, are one way to achieve satisfactory levels of both inclusiveness and balance. Under such arrangements, some stakeholders are still excluded, but they at least have a say in who will represent them at the table.

One recent study of seven collaborative efforts found that "Without careful attention to inclusiveness and diversity… stakeholder processes can easily reproduce and reinforce the existing power imbalances in the community" (Ashford and Rest 1999). The authors conclude that public hearings and other open-access forms of public involvement are often preferable to collaborative processes involving only hand-selected participants.

Representativeness

A representative process ensures that the interests of all affected individuals are effectively advocated, either in person or through proxies.

Entry rules tell only half the story of who participates in a collaborative process. A recent study of 26 watershed partnerships in Oregon tested the hypothesis that open entry rules result in more representative partnerships, but found that groups with hand-picked representatives actually fare better at involving all affected stakeholders (Dakins, Long, and Hart 2005). Even when participation is open to all, or when conveners make a concerted effort to obtain broad representation, resource constraints often preclude participation by certain segments of society. Thomas Beierle (1999) emphasizes the importance of asking, "Were all reasonably affected parties included or represented, particularly those with no formal organization?" Theodore Lowi (2000) expresses great skepticism for the notion that ordinary citizens would have the time to participate in a public planning process, lamenting "democracy will fail because there aren't enough evenings in the week!" A related problem arises when differing skill levels create disparities in how effectively each party represents their interests.

In a seminal essay on the limits of collaboration, Sierra Club chairman Michael McCloskey (1996) describes how these concerns materialize for major environmental organizations. McCloskey warns that devolution can disenfranchise environmental points of view because few of the national environmental groups can afford to send representatives to each of the hundreds of local partnerships arising across the nation, often in remote areas far from the main offices of environmental organizations. By marginalizing these groups, devolution might also prevent their heavily urban constituency from obtaining effective representation in local collaborative processes. As McCloskey argues, "Few urbanities are recognized as stakeholders in communities surrounding national forests. Few of the proposals for stakeholder collaboration provide any way for distant stakeholders to be effectively represented." Considering that America is highly urbanized, this exclusion of urban perspectives may represent a blow to the democratic ideals of majority rule and proportional representation.

Matt Wilson and Eric Weltman (2000) raise a related fear that devolution unfairly shifts the burden of regulation from the government to the citizenry. "It is the government's job to protect public health and the environment; it should not be the obligation of citizens to have to join 'stream teams' or publicize the Toxics Release Inventory data in order to enjoy clean water or clean air… Clean water and air should be a right enjoyed by everyone, not just those 'squeaky wheels' with the time and assistance necessary to take up the battle for a safe environment."

Another concern raised by McCloskey (1996) is the relative effectiveness of each interest's representations. In particular, he worries that local environmentalists "are not always equipped to play competitively with industry professionals" in terms of technical expertise, negotiation skills, and the financial resources to sustain long-term participation. This fear is echoed by environmentalist Jacqueline Savitz (2000): "Well-intentioned citizens of my parents' generation are often invited to the table without any resources to cover their travel or their time, and without support for outside technical assistance. They sit beside high-paid corporate lawyers and engineers and are expected to outar-

gue the lawyers and outengineer the engineers…Who better understands complex technical issues––your mother or the scientists paid by the public to protect it?"

In designing and implementing a representative process, one of the roles of the professional facilitator is to help each party acquire the skills and resources to effectively represent their interests, in part by helping them discover their best alternative to a negotiated agreement or BATNA (Fisher and Ury 1981). By helping each side understand their BATNA and represent their interests, a neutral facilitator can potentially dampen power imbalances related to technical information or negotiation skill (Elliott 1999, 229)

Despite a facilitator's best efforts to level the playing field, the consensus-based decision rules employed by most collaborative processes can effectively redistribute power. For example, McCloskey (1996) argues that consensus-based processes give small minorities undue influence by effectively granting them the power to veto any action.[2] "Thus, the process has the effect of disempowering both national as well as local majorities." Others see consensus as benign or supportive of democratic ideals. Susskind (2000) notes that all stakeholders—whether they consented to an agreement, opposed it, or didn't participate at all—retain the right to file lawsuits or pursue other hostile strategies, even after they sign an agreement. This is because, in the vast majority of partnerships, decisions are not legally binding. To enforce agreements, partnerships typically must rely upon peer pressure and the moral authority of the partnership (Rieke and Kenney 1997, 51). All parties, including government agencies, retain all powers they had at the outset of the process, and all laws remain in effect. As long as participation is entirely voluntary, consensus rules do not grant anyone a veto over the actions of other parties, but they do grant each member the right to decline to enter any agreement reached among other members.

Procedural Fairness

A fair process treats all parties equally and respectfully, gives each party an appropriate degree of voice and influence, and establishes clear procedures for collective decisionmaking.

Given that each participant wields differing amounts of political, financial and technical resources, collaborative process invariably involve collaborations among unequal parties. But the egalitarian ethos underlying many democratic ideals (e.g. "one person one vote," "equal treatment under the law") suggests that collaborative processes should strive to treat all parties equally. This cardinal rule of procedural justice is rooted in practical considerations as well as philosophical ones. For example, research supports the hypothesis that satisfaction with a decisionmaking process is determined as much by the process used to arrive at decisions, as by the content of the decisions themselves (Lawrence, Daniels, and Stankey 1997). Participants tend to evaluate a process as being fair if they feel it treats all parties equally and respectfully, if they feel they have adequate opportunities to express their concerns and opinions, and if they perceive themselves as having an appropriate degree of control over the outcomes of the negotiations (Tyler and Blader 2000).

Another factor influencing perceptions of fairness is the clarity of the rules governing collective decisionmaking. Whereas uncertainty about groundrules or decisionmaking rules can lead to great skepticism of the entire process, transparency can contribute to confidence and satisfaction (Rowe and Frewer 2000). One of the alleged benefits of collaboration is that it encourages public administrators to critically examine their own assumptions and to explain the reasoning behind agency decisions, rather than simply asserting the correctness of a decision by reference to the agency's technical expertise or legal obligations. According to Snow (2001, 9), "With agencies at the table, decisions are often more transparent, and more clearly reflections of stakeholder involvement" than under the traditional system where "agencies are often mandated to 'accept public commentary' and then make decisions 'behind the scenes.'"

Lawfulness

A lawful process seeks to uphold the letter and spirit of all existing laws and regulations.

One common criticism of collaborative processes is that they encourage public administrators to shift their attention of away from implementing regulations and toward resolving political conflicts or satisfying vocal interest groups, often to the detriment of the larger public interest. As Coglianese (1999) notes, "a consensus among a select group will not always equate to socially optimal policy." In any collaborative relationship between agencies and regulated industries, there is some risk that the agencies will lose sight of their regulatory missions and become co-opted or "captured" by industry (Scholz 1991). Many collaborative processes appear to walk a thin line between cooptation and merely striving to incorporate appropriate flexibility into regulatory implementation. Flexibility is unwarranted if it simply means yielding to pressure from influential business interests. However, flexibility is entirely consistent with the letter and spirit of most laws if it means upholding state and federal standards while doing so in a manner that minimizes any unnecessary economic or social hardships.

[2] A related concern is how consensus affects the nature of resulting policy decisions. McCloskey (1996) fears that "only lowest common denominator ideas survive the process." Coggins (1998) claims that reaching consensus on substantive issues is nearly impossible—not just because environmental issues are contentious, but because rural Americans too often fall short of the knowledgeable, reasonable, stewards-of-the-land ideal presumed by consensus advocates––especially in Western states where "the observable number of whiners, crooks, blusterers, and outright crazies… seems out of proportion to population numbers."

A related concern is that devolution effectively redistributes power from elected representatives (and the public administrators they oversee) to self-appointed local stakeholders (Farber 2000). George Coggins (1999) presents this argument in the stark terms of "abdication of authority" by federal agencies and courts. He asserts that U.S. law clearly assigns regulatory and land management power to public administrators, not local landowner groups. Grassroots efforts to wrestle that power away from the government are not only misguided in his view, but also illegal. "The critical fact is that the national lands and resources are, indeed, national. Congress has determined that the remaining federal lands have sufficient national value to retain them in federal ownership under federal management." Moreover, the transient nature of some partnerships leads Coggins to conclude "Devolution to local citizens' councils takes irresponsibility to the maximum because, with the inevitable dissolution of the local group, no one is responsible for anything."

In summary, collaborative policymaking is consistent with democratic ideals only to the extent that participating government agencies use collaboration as a means to more effectively or efficiently execute their legislative mandates, which ostensibly represent the will of the people as interpreted by their elected representatives.

Deliberativeness

A deliberative process allows participants to brainstorm, examine each other's assumptions, identify common interests, build a shared knowledge base, and develop mutual trust and empathy.

One argument for devolution is that it facilitates deliberative democracy, which proponents advocate as an anecdote to the adversarial "public comment" model in which citizens and advocacy groups argue for or against a proposed government initiative (Mansbridge 1983). Deliberative democracy emphasizes creative, non-judgmental brainstorming and dialogue leading to cooperative problem solving (Roberts 2002). Collaborative processes are often designed to provide a relatively non-confrontational environment where innovative ideas are allowed to evolve gradually before being scrutinized (Innes and Booher 1999). In this spirit, stakeholders are encouraged to offer trial balloons rather than proposals––the former being a partially formed idea intended for group discussion and analysis. The progenitor of a trial balloon has no obligation to actually support the idea, whereas a proposal is forever associated with its proponent. Innes and Booher (1999) liken this creative process to role playing, which "allows players to let go of actual or assumed constraints and to develop ideas for creating new conditions and possibilities." Role players live by the motto, variously attributed to Aristotle or Confucius, "It is the mark of an educated mind to be able to entertain a thought without accepting it."

Deliberation is fostered when the individuals who facilitate discussions at partnership meetings adopt the interest-based model of negotiation (Fisher and Ury 1981) Interest-based negotiation encourages people to focus on their fundamental needs and desires rather than defending a particular policy position. Communicating one's own interests rather than one's positions invites others to search for creative solutions that satisfy those interests (and their own) through means that might not have been apparent previously. The benefits of a deliberative, interest-based approach are said to include a gradual cultivation of mutual trust and empathy, and consensus on the basic scientific or technical dimensions of the policy problem (Booher and Innes 2002).

However, not all scholars give collaborative processes high marks on deliberativeness. In a review of multi-stakeholder Habitat Conservation Plan processes, Thomas (2000, 28) concluded that opportunities for genuine dialogue and deliberation "can be relatively small and elitist" partly because most stakeholders turn to negotiation and deliberation only when threatened with economic harm, and the number of parties who can impose such harm on any given stakeholder is usually a very small subset of the parties at the table.

Empowerment

An empowered process enables participants to influence the decisions of elected officials or public administrators.

Even when a collaborative process is inclusive, representative, fair, lawful, and deliberative, it isn't necessarily democratic if it stands little chance of having any real impact on public policy. In practice, collaborative processes vary widely in their level of authority and influence. At one extreme are processes in which senior agency administrators pledge to officially adopt the recommendations or agreements reached through consensus. At the opposite extreme are processes that invite public involvement when in fact the agency has already decided upon its ultimate course of action and is merely seeking political cover or attempting to meet legal obligations to accept public input. In the middle are processes that are explicitly advisory in nature, but where participants can expect that the acting agency will seriously consider their recommendations.

Although some scholars praise traditional venues, such as public hearings, for their ability to inform decisionmakers and influence political agendas (e.g. Adams 2004), others believe that collaborative processes give citizens a greater degree of influence. In traditional venues, such as NEPA scoping meetings, the public becomes involved only after a lead agency has invested large amounts of time and money drafting a proposal. Considering these sunk costs, and the fact that several project leaders may have their careers riding on the timely completion of the project, agencies are less interested in revising or replacing proposals than they are in trying to win public support or acquiescence. This leads many agencies to "decide, announce, and defend"

(DAD), rather than engage in genuine collaborative decisionmaking. Collaborative processes, by contrast, frequently involve the public at the earliest stages of the planning process, long before a full-fledged project proposal has been announced, thereby allowing stakeholders to signal their concerns when problems are still being identified and defined.

A related argument is that devolution results in government that is more informed, flexible, coordinated, and responsive (Kincaid 1998). One of the classic critiques of centralized bureaucracies is that they do a poor job of tailoring federal programs to the individual circumstances of local communities (Lowrie 1992, 383-4). Centralized bureaus fail in this regard largely because they lack sufficient information about local conditions. Public administrators can better acquire site-specific information by devolving authority to the field officers who are closer to the ground, and by scheduling regular forums in local communities to solicit feedback from the public and the regulated community (Coglianese 1997; Siegler 1997).

Devolution allegedly empowers citizens by allowing them to shape public policy directly, not vicariously through elected representatives (Bourne 2002, 76). Over a century ago, Alexis de Tocqueville ([1835] 1969) argued that direct democracy reduces apathy and cynicism because citizens have a strong incentive to become more informed and politically active when given the opportunity to directly influence their government (Kincaid 1999, 214). As Kenney (2000) recounts in a thorough review of the democratic implications of consensus-based resource management, the American debate over the relative virtues of representative versus participatory democracy harks back even further to James Madison and Thomas Jefferson's eighteenth century struggle over the structure of the U.S. Constitution. Madison largely prevailed in that struggle, but Jefferson has recently been resurrected in books such as *Community and the Politics of Place* by former Montana legislator Daniel Kemmis (1990) who calls for more "face-to-face democracy" in the rural West (Snow 2001). Direct democracy allegedly ameliorates many of the problems that plague modern representative governments—problems related to campaign financing, professional lobbyists, sound bite media coverage, partisanship politics, and gridlock (Fesler 1965, 542).

Much has been made of the fact that the stakeholders who participate in partnerships are not elected to their posts (e.g. Farber 2000). By and large, they are self-appointed. On at least one dimension, however, self-appointed representation in a consensus-based forum may be more democratic than representation via majority-rule election. In elections, a sizable minority usually ends up being "represented" by the candidate they opposed. With more than two candidates on the ballot, a *majority* of voters usually find themselves so situated. In a consensus-based body with self-appointed representatives and an open-access entry rule, participation is possible for everyone with a will and a means. The result is a process evocative of parliamentary systems where representation is proportional to the number of votes received by each political party (Kenney 2000, 49). In a self-appointed system, some stakeholders will stay home in the knowledge that someone else is representing their interests adequately. Others will feel compelled to make their voice heard in person. Thus, everyone with a stake in the outcome is entitled to at least one seat at the table. And in a consensus-based process, one vote is sufficient to opt oneself out of any unsatisfactory agreement.

Assessing Devolution in Watershed Management

The goal of the empirical section of the paper is to employ the framework outlined above in assessing the democratic merits of devolution in watershed management as practiced in two Western states. Between 1999-2003, quantitative case studies were compiled for 76 watershed partnerships in California and Washington State. The field research began by identifying all watershed partnerships in California that were active at any point between 1995 and 2000, including partnerships now defunct. The operational definition employed in the research required that each partnership (1) convene at least four times per year, (2) focus on managing one or more streams, rivers, or watersheds, and (3) include: (a) at least one state or federal official, (b) at least one representative of local government—either a general-purpose city or county, or a special district (such as water or school district), and (c) at least two opposing interests, such as a resource user and either an environmental regulatory agency or interest group.

The search revealed a population of 150 watershed partnerships in California, from which 47 were randomly sampled with geographic stratification, such that no more than two partnerships were selected from a single watershed.[3] In Washington, 29 watersheds were randomly selected, and one partnership sampled from each.[4] Because the selection process was random and the sample size is relatively large, the overall results should be representative of watershed partnerships in the two states.

For each selected partnership, the researchers first interviewed three to six key participants including the partnership's coordinator/facilitator plus at least one key participant from a pro-environment perspective and at least one participant from a pro-development perspective. Second, a survey was mailed to all participants in the partnership plus several stakeholders who were not participants. Of 2,498 surveys, 1625 were returned at least partially completed, yielding a response rate of 65%. Response rates for individual partnerships ranged from 45% to 88%.

[3] California was partitioned using Hydrologic Unit Code (HUC) watersheds defined by the United States Geological Survey. There are 160 HUCs in the state, ranging from 35 to 9000 square miles.

[4] Washington was partitioned using the 62 Water Resource Inventory Areas, which range from 140 to 3000 square miles.

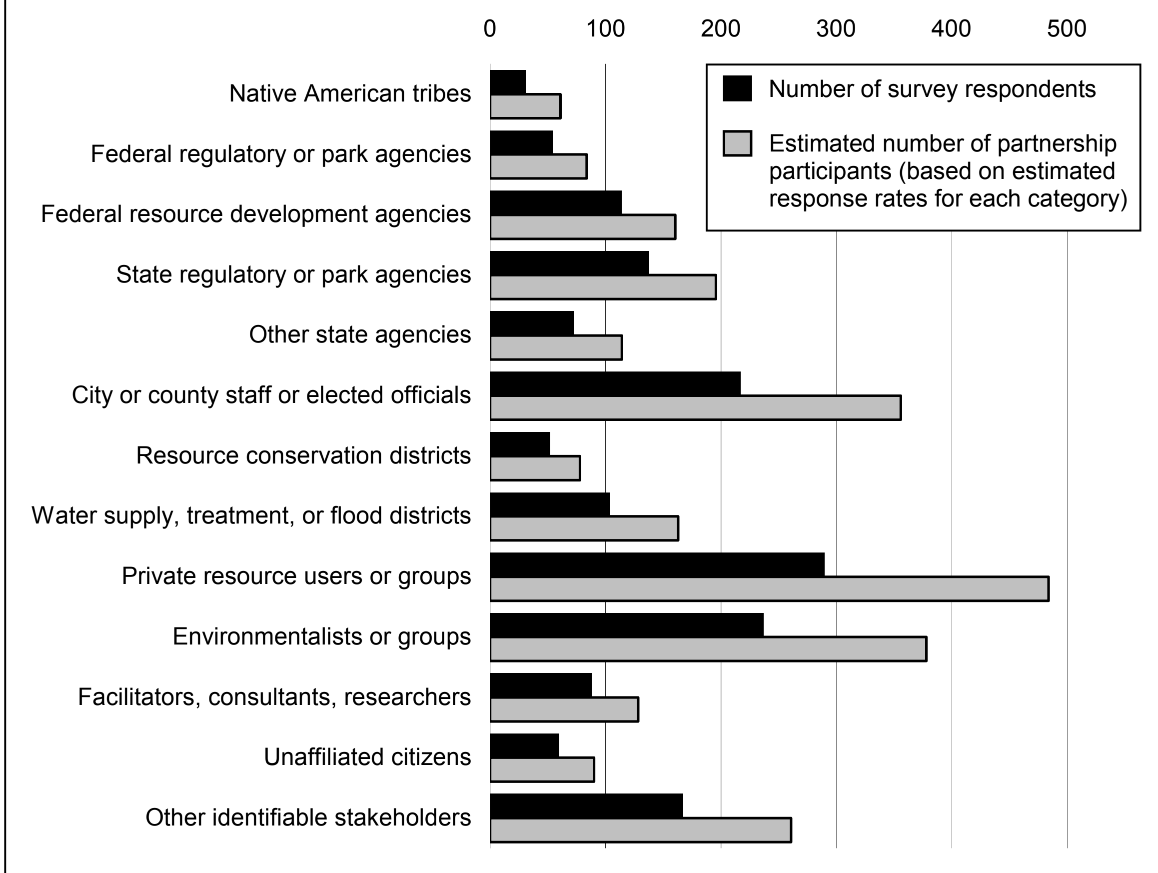


FIGURE 1. Number of Survey Respondents and Estimated Number of Total Participants across all 76 Partnerships, Arranged by Professional Affiliation

Inclusiveness

Characterizing the inclusiveness of the 76 sampled partnerships is relatively straightforward. Two-thirds (50) welcomed participation by essentially anyone who is willing, while one-third (26) restricted participation in some way. Nine partnerships (12%) had explicit rules for removing participants who repeatedly fail to abide by the group's procedural groundrules.

Representativeness

In assessing the representativeness of the partnerships, the survey addressed two general questions. The first question is whether the makeup of each partnership was representative of all affected stakeholders, including members of the local community occupying the watershed. The second question is whether ordinary citizens and environmental advocates were at a competitive disadvantage, relative to economic interests, with regard to (a) the number of representatives attending partnership meetings, (b) costs of participation, in terms of travel time and remuneration, and (c) technical or political savvy.

Regarding general representativeness, the survey results identified some potential problems. For example, 54% of respondents agreed or strongly agreed that "some critical interests are not effectively represented in the Partnership" and only 50% agreed or strongly agreed that "the Partnership represents the interests of most people in the local community." In terms of gender, partnerships were not particularly representative of their surrounding communities, with females accounting for only one in four participants.

To examine the relative number of participants representing various interests, Figure 1 tallies 14 categories of stakeholders,[5] indicating that no single category dominates in terms of sheer numbers. Consistent with the fears of some environmentalists, private-sector resource users formed the single largest category, at 19% of the total, but they surpassed environmentalists (15%) only slightly, refuting the notion that financial

[5] The figure lists both the number of survey respondents from each category and an estimate of the total number of actual stakeholders in each category based on estimated response rates. Response rates for each category are estimated by extrapolating from the subset of the survey recipients in each category for whom an organizational affiliation could be determined from the mailing address. Estimated response rates range from 51% for Native Americans to 71% for federal resource development agencies.

FIGURE 2. Frequency of Responses to the Survey Question: "When You Attend Meetings or Conduct other Partnership Business, Is this on "Company Time" or Your Own Time?"

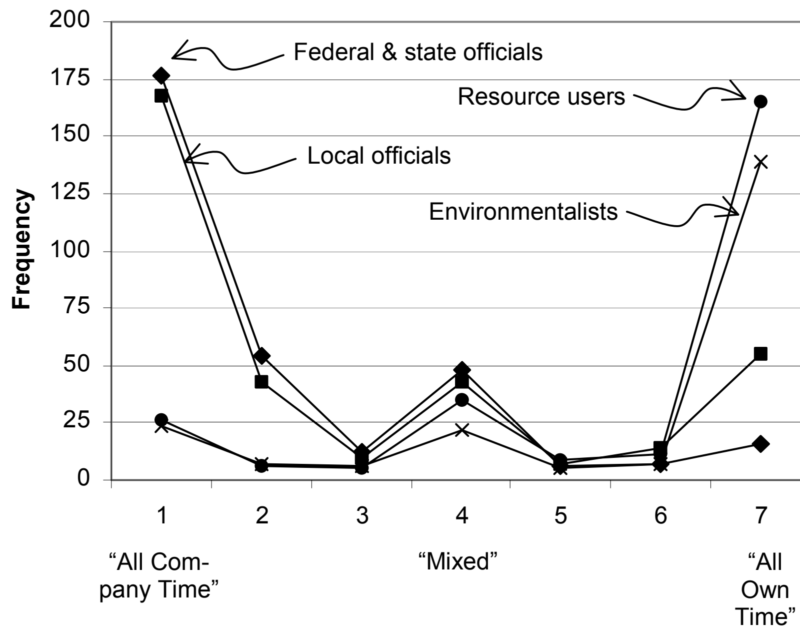


FIGURE 3. Average Travel Time to Partnership Meetings, as Self-Reported by Four Categories of Participants (Mean and 95% Confidence Intervals)

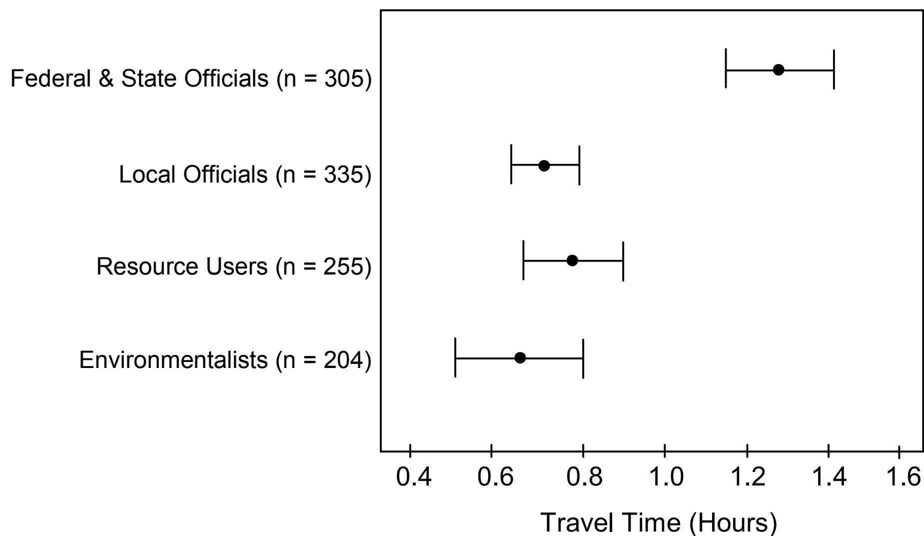
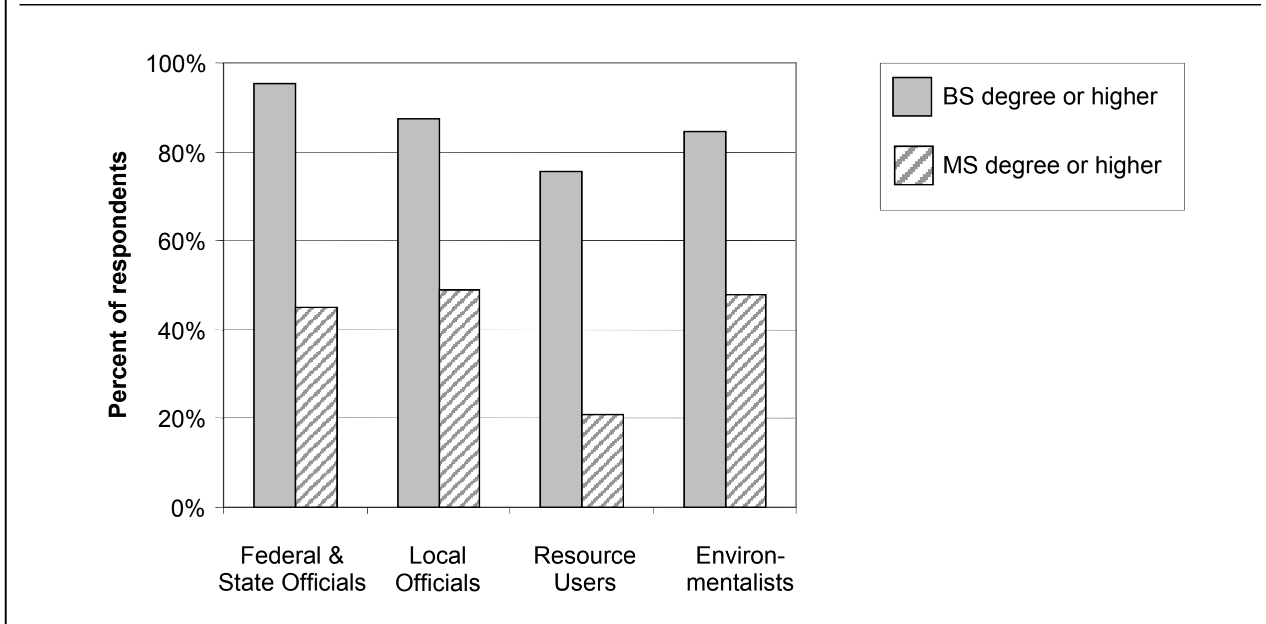


FIGURE 4. Level of Formal Education among Four Categories of Partnership Participants



disadvantages cause local environmentalists to be severely outnumbered by private-sector resource users.

On the other hand, citizens unaffiliated with any advocacy group or agency made up only 4% of all participants. This finding contradicts Savitz's (2000) concern that "grandmothers" are bearing a significant share of the workload under the new watershed management regimes, but also suggests that ordinary citizens face either high obstacles to participation or low levels of motivation. Whatever the cause of the low participation rates, watershed partnerships are, in practice, a far cry from the classic "citizens forums" envisioned by proponents of direct democracy. Instead, partnerships appear to be forums for deliberation among various advocacy organizations, regulated private enterprises, and government agencies. Nearly half of all participants represented the public sector (22% representing federal or state agencies, and 26% representing local governments, special districts, or tribes).

Regarding the hypothesis that environmentalists face higher participation costs than do business interests or government officials, the survey queried respondents about their partnership-related travel time and remuneration. Specifically, the survey asked, "Approximately how long does it take you to travel to partnership meetings?" and "When you attend meetings or conduct other partnership business, is this on company time or your own time?"

Figure 2 compares frequency distributions for the "company time" question for public sector stakeholders, private resource users, and environmentalists. As might be expected, government employees participated predominantly during paid work hours, whereas environmentalists participated predominantly on their own time. More curiously, private-sector resource users also participated primarily on their own time, reflecting the fact that most participating resource users were self-employed farmers or ranchers––not paid industry lobbyists. Similarly, most participating environmentalists were volunteers––not professional activists.

With respect to travel time, the scales tip in the other direction, but not as dramatically. Federal and state agencies had the longest commutes to partnership meetings, averaging nearly 80 minutes (see Figure 3). The commutes of local agencies, resource users, and environmentalists are also substantial––but were shorter by about 30 minutes, on average.

A final potential criticism of devolution is that, relative to industry lobbyists and government officials, local environmentalists lack parity in terms of technical or political skills. Using formal education as a rough measure of these skills, Figure 4 shows that, on average, environmentalists had the same or higher amounts of education as participating public administrators. Private-sector resource users were comparatively less well educated, especially with respect to graduate degrees. These data contradict the notion that local environmentalists are unsophisticated and easily intimidated or duped by polished representatives of industry or government.

In summary, approximately half of all stakeholders surveyed expressed doubts about the representativeness of their partnership. However, with respect to balance between environmental and economic interests, the survey detected rough parity in terms of the numbers of representatives, their costs of participation, and their level of education.

Big Ten Enviros Left Behind

The marginalization of national environmental organizations is one concern about devolution that clearly has materialized. Big Ten[6] environmental groups participated in only two of the 76 partnerships, as shown in Table 1, which provides a disaggregated list of stakeholder affiliations, and for each affiliation indicates the percent of partnerships in which one or more representatives was active. Specifically, Environmental Defense participated in two partnerships, one of which was also attended by the Natural Resources Defense Council. Members of local Sierra Club chapters were present in nine (12%) partnerships, and members of local Audubon chapters participated in 10 (13%), but these participants are often volunteers, and should be distinguished from the professional scientists and attorneys who work in the headquarters offices of national organizations. Participating national groups outside the Big Ten consisted of Trout Unlimited (three partnerships) and The Nature Conservancy (five partnerships), although the latter group's mission of conserving habitat through the voluntary sale or gifting of private lands differs from the confrontational "legislation and litigation" agendas of most Big Ten groups.

At the statewide level, California Waterfowl, California Trout, and Washington Trout are organizations with legislative agendas in the style of the Big Ten. California Waterfowl participated in two partnerships, California Trout in seven, and Washington Trout in three.

All told, only 17 of the 76 partnerships in the study included one or more representatives from a national or statewide environmental group, hunting group, or fishing group, and an additional 16 partnerships included local chapters of the Sierra Club or Audubon.[7] Thus, national and statewide environmental groups are completely absent from the clear majority of partnerships.
But is this a problem? From the standpoint of democratic values, the answer depends on at least two factors. One is the extent to which national environmentalists are absent by choice. The other is the extent to which other stakeholders can effectively serve as proxies for the missing national environmental perspective.
Susskind (2000, 85) dismisses the first issue as a "settled question," asserting that national environmental groups "reserve the right whether or not to participate in particular consensus-building efforts" versus "relying on media campaigns, direct action, and legal challenges to pursue their interests." However, it seems likely that the infrequent participation by national groups stems as much from an inability to keep up as it does from any

[6] Environmental Defense, Environmental Policy Institute, Friends of the Earth, Izaak Walton League of America, National Audubon Society, National Parks and Conservation Association, National Wildlife Federation, Natural Resources Defense Council, Sierra Club, Wilderness Society.

[7] It should be noted that there are also relatively few participants from national or statewide organizations that advocate for resource users. The only such organization that occurs in the sample is the Farm Bureau, which participates in 15 partnerships.

TABLE 1. Percent of Partnerships that Include Representatives from Various Organizations

Federal or Tribal Agencies	%
Native American tribe	34
Congress—legislators or staff	3
Army Corps of Engineers	12
Bureau of Land Management	21
Bureau of Reclamation	17
Environmental Protection Agency	25
Federal Energy Regulatory Commission	1
Fish and Wildlife Service or NMFS[1]	45
Forest Service	36
Park Service	14
Natural Resources Conservation Service	43
State Agencies	**%**
State legislators or their staff	15
State fish and wildlife agency	79
State forestry or agency	20
State parks agency	13
State transportation agency	15
State water development agency	50
State water quality or water rights agency	46
State university cooperative extension	18
Local Districts	**%**
Resource conservation district	51
City or county: staff	76
City or county: elected officials	38
Water supply district	46
Reclamation or flood control district	14
Wastewater treatment plant	13
Private enterprises	**%**
Farmer	50
Rancher, dairyman, livestock	47
Forest products company	36
Industry or commerce	43
Commercial fishing or trapping	13
Property rights advocates	20
Environmental Advocates	**%**
Local environmental group or individual	62
Recreational fishing or hunting group	24
Outdoor recreation (e.g. rafting) group	14
Land trust	13
Local Sierra Club chapter	12
Local Audubon chapter	13
The Nature Conservancy	7
Environmental Defense Fund	3
Natural Resources Defense Council	1
Trout Unlimited	4
California Trout / Washington Trout	13
California Waterfowl	3
Other	**%**
Consultant–facilitator/coordinator	25
Consultant–technical	18
University researcher	24

distaste they may have for consensus processes. Quite logically, national environmental groups have always focused their efforts on the major leverage points available to the public—the legislatures (via lobbying) and the courts (via litigation). Devolution in the form of watershed partnerships has opened up hundreds or thousands of new decision points where the public is explicitly invited to lobby state and federal agencies. Knowing that local governments and resource users are capitalizing on these new opportunities, national environmental groups are naturally concerned (Welsh 2004). If only they had sufficient resources, national groups would probably not hesitate to campaign locally as well as nationally.

Proxies for Missing Enviros

Might the absent national environmental groups have an effective proxy seat at the table? One reasonable approach to the question is to compare the environmental ideologies of professional environmentalists and other stakeholders who participate in watershed partnerships more regularly. In measuring ideology, the survey focused on anthropocentrism and laissez faire conservatism.

Anthropocentrism refers to the belief that nature derives its value primarily from the benefits it provides to people. Individuals who shun such views are said to be biocentric. Biocentrism is the belief that nature and non-human species have rights or inherent value. Anthropocentrism was assessed using a scale constructed as the mean of three survey questions, shown in Table 2. Respondents were asked to indicate whether they agreed or disagreed with each statement, given a continuum of seven possible responses where 1 = "strongly disagree" and 7 = "strongly agree." The scale is reliable and internally consistent, as indicated by its Chronbach's alpha of 0.76.

TABLE 2. Anthropocentrism Scale (Chronbach's alpha = 0.76)

1. People were intended to rule over the rest of nature.
2. Plants and animals exist primarily for use by people
3. All species have an inherent right to exist, quite apart from any instrumental use (scale reversed).

Laissez faire conservatism refers to the doctrine that government should play a minimal role in regulating private economic activity, and should focus on protecting private property rights by providing a police force and court system. Laissez faire conservatism is assessed using a scale constructed as the mean of six survey questions, shown in Table 3. The scale is reliable and internally consistent, as indicated by its Chronbach's alpha of 0.87.

TABLE 3. Laissez Faire Conservatism Scale (Chronbach's alpha = 0.87)

1. A first consideration of any good political system is the protection of private property rights.
2. The best government is the one that governs the least.
3. Government laws and regulations should primarily ensure the prosperity of business since the health of the nation is dependent upon the well being of business.
4. Government planning almost inevitably results in the loss of essential liberties and freedoms.
5. Decisions about development are best left to the economic market.
6. Environmental regulations should not be promulgated unless the proponents can prove that the monetary benefits will exceed the costs.

Empirically, anthropocentrism and conservatism are tightly associated, having a Pearson's correlation of 0.67 (n = 1570). Moreover, when the two scales are combined into a single nine-item scale, the reliability of the new scale (alpha = 0.89) is higher than either of original scales. In other words, people who were anthropocentric were very likely to be conservative, and people who were biocentric were very likely to be liberal.

Figure 5 displays the mean and 95% confidence interval for the anthropocentric conservatism scale as expressed by 26 categories of stakeholders. As might be expected, environmentalists were the most biocentric-liberal, and resource users are the most anthropocentric-conservative. The figure suggests that, when present, Native Americans and officials from certain state and federal agencies are likely to hold environmental views consistent with those of private-sector environmentalists. In particular, state fish and wildlife agencies, which participate in 79% of all partnerships (Table 1), had an average anthropocentric conservatism score of 2.6, compared to 2.0 for environmentalists. The U.S. Environmental Protection Agency and the National Park Service were even more liberal-biocentric on average, but participated less frequently. In summary, it appears that most partnerships include agency representatives who could stand in for the missing national environmentalists, at least in terms of the policy goals that they are likely to favor.

Besides these agencies, local environmentalists are another potential proxy for missing national groups. The survey did not directly distinguish between national environmentalists and local ones, but this distinction can be approximated by separating professionals from volunteers. Of all 176 environmentalists in the sample, 10% reported that they participate *exclusively* on company time, 14% reported receiving compensation for *more than half* of their time spent on the partnership, and 31% reported that *at least some* of their time is paid. The data indicate that paid and volunteer environmentalists expressed nearly identical levels of

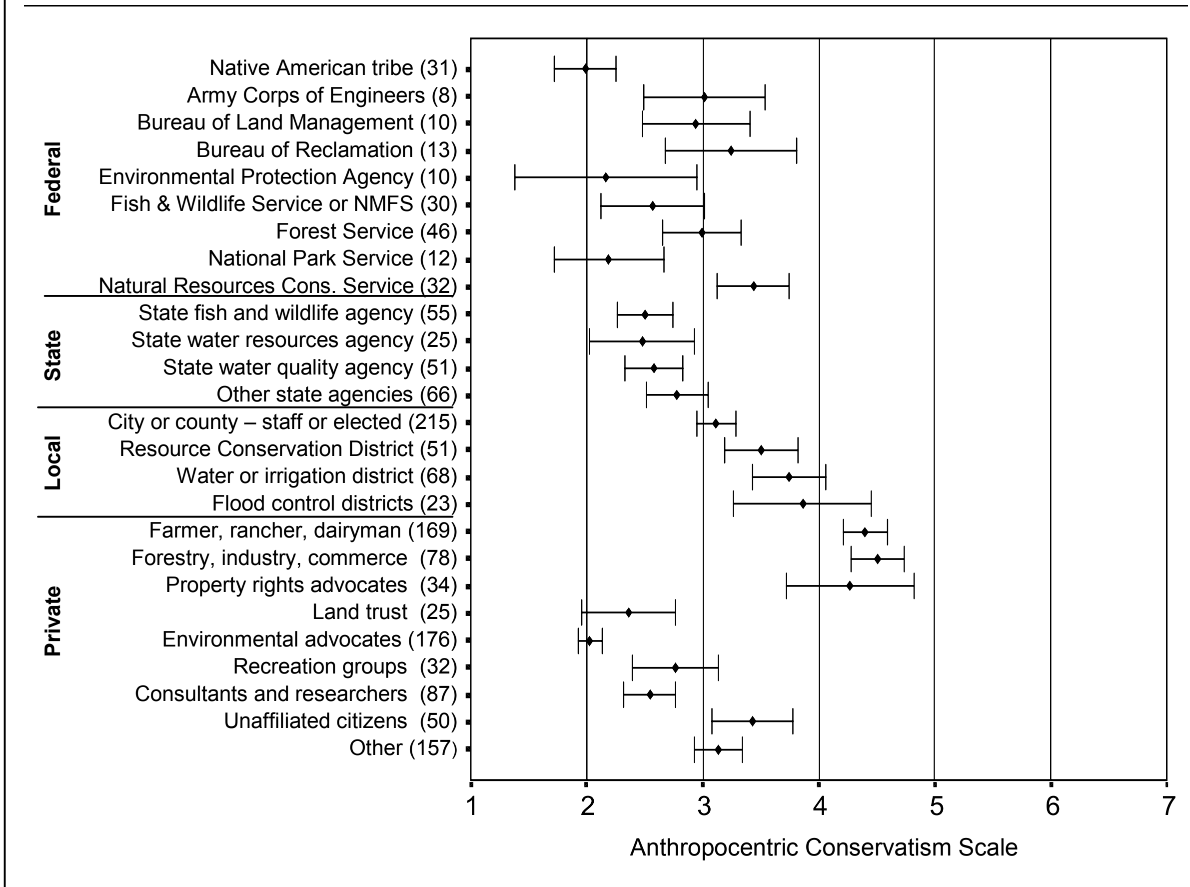


FIGURE 5. Anthropocentric Conservatism (Means and 95% Confidence Intervals) for 26 Stakeholders. Number of Respondents per Category Is Given in Parentheses

anthropocentric conservatism, on average.[8] In other words, volunteer environmentalists are an adequate proxy for professional environmentalists in terms of their core ideology. Of course, locals and volunteers might lack the technical, legal, or political resources of paid professionals from a national group.

Procedural Fairness

Procedural fairness refers to whether the collaborative process treats all parties equally and respectfully, gives each party an appropriate degree of voice and influence, and establishes clear procedures for collective decisionmaking. Among survey respondents, 64% agreed or strongly agreed that, "The Partnership process treats all parties fairly and consistently." Over 70% agreed or strongly agreed that, "The Partnership's discussions are civil, and marked by mutual recognition and respect." Only 32% agreed or strongly agreed that, "Government agencies have too much influence within the Partnership."

Interviews with 3-5 key stakeholders in each partnership suggest that decisionmaking procedures were clear in 87% of partnerships. In the remaining cases, either the partnership was very young and had not yet established such rules, or the informants were unsure about whether decisions were to be made by consensus, simple majority vote, or some other mechanism.

Lawfulness

Developing quantitative indicators of whether federal and state agencies have abdicated their authority and become coopted or captured is no straightforward task. However, the survey included two questions measuring perceptions of the relative authority and influence of government agencies and other participants in each partnership. The first question asked respondents to "Please indicate the three organizations/interests that are most important or influential regarding partnership issues." The second asked respondents to "Please indicate up to three organizations/interests that you have relied on most heavily for information or advice on issues important to the partnership." Respondents answered by choosing from a list of 43 agencies, occupations, or interest groups.

Results are presented in the form of a histogram (Figure 6), which tallies the number of times an organization/interest was named as being (a) important or influential and (b) a good information source. Aggregated results are presented for four umbrella categories

[8] The mean values for the entire class, and for each subset listed above are, respectively, 2.1, 2.1, 2.0, and 2.2.

of stakeholders, revealing that federal and state agencies were clearly cited most frequently. To adjust for the possibility that respondents named their own organization, Figure 6 also displays the number of respondents within each category. For example, respondents from federal and state agencies appeared in the data set with approximately equal frequency as respondents from local agencies (23 and 25% of the sample, respectively). However, 42% of respondents named a federal or state agency as being influential, and 46% named a federal or state agency as being one of the best information sources, whereas only 25% of respondents named a local agency for either question. In fact, federal and state agencies are the only umbrella category of stakeholders that had a disproportionately high level of perceived influence relative to its sample size in the data set. Environmentalists and resource users appear to have been disproportionately uninfluential.

These results are not consistent with the notion that devolution encourages public officials to abandon their legislative mandates in order to diffuse conflict or appease special interests. Federal and state agencies are the dominant sources of information in watershed partnerships, and are perceived as being among the most powerful entities.

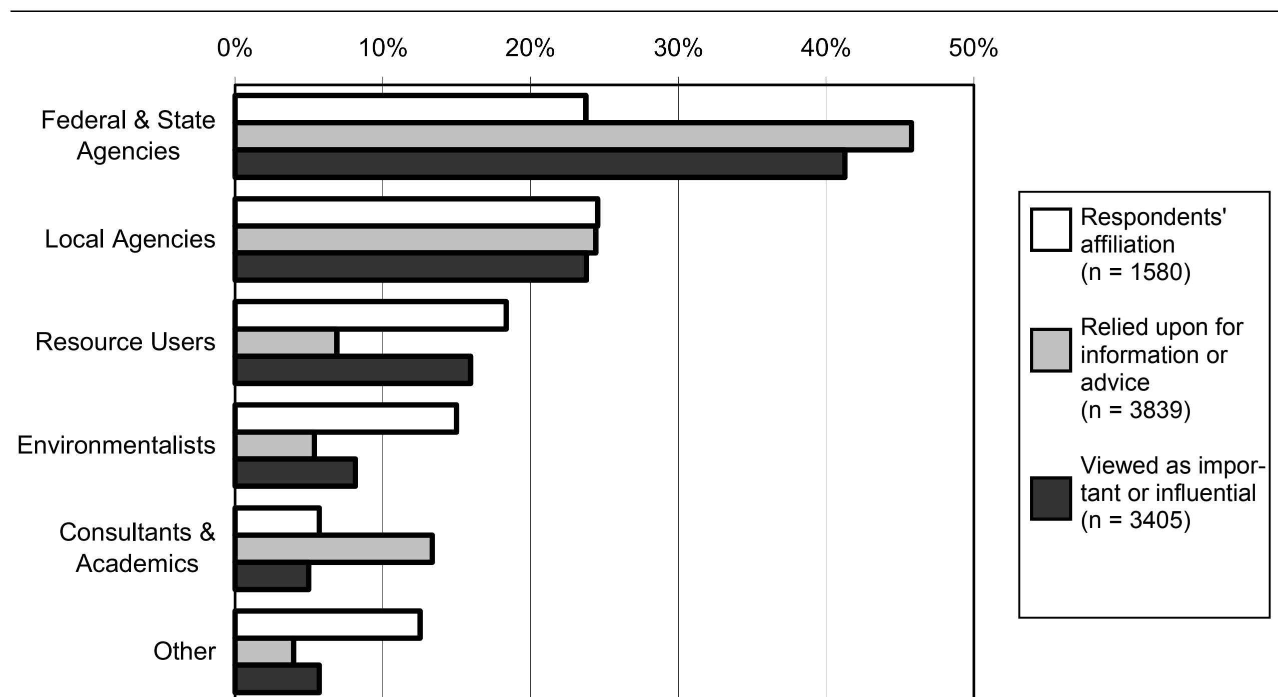
Deliberativeness

The deliberativeness of a policymaking process is another quality that is difficult to measure directly. However, certain factors that purportedly result from dialogue and deliberation—such as mutual trust, human capital, and social capital—are feasible to measure.

Generalized trust in people and government was measured in the survey by borrowing two questions from the General Social Survey (GSS), which permits a test of the hypotheses that trust is higher among partnership participants relative to the general public. As shown in Figure 7, watershed stakeholders did express unusually high levels of generalized trust. The contrast is most striking for trust in public officials, expressed by 63% of watershed stakeholders, compared to only 24% of the public. One explanation is the large number of stakeholders who are themselves public officials (48%, Figure 1). However, private-sector stakeholders also trust public officials by a wide margin (56% versus 33% distrusting). A second explanation is that voluntary, consensus-based partnerships select for individuals who are unusually willing to trust others. A third explanation is that the dialogue and deliberation that occurs through partnerships may help participants to learn to trust.

A second theorized outcome of deliberative processes is human and social capital. The survey asked three related questions. Two-thirds (68%) of respondents agreed or strongly disagreed that the partnership had given them "a better understanding of the physical or biological processes in the watershed." Three quar-

FIGURE 6. Frequency with which Stakeholders in Various Categories Were Named as Being One of the Three (a) Most Important or Influential Members of the Partnership, and (b) Most Important Sources of Information or Advice



ters (77%) agreed or strongly agreed they had acquired "a better understanding of other stakeholders' perspectives" through the partnership. Half (50%) reported that their participation resulted in "new long-term friendships or professional relationships."

In summary, these results suggest that collaborative watershed management has yielded greater human and social capital, and possibly greater trust, among participants in California and Washington.

While not a direct assessment of the deliberativeness of watershed partnerships, these results are consistent with the theorized outcomes of dialogue and deliberation.

Empowerment

An empowered process is one that enables participants to influence the decisions of elected officials or public administrators. Interviews with 3-5 key stakeholders in each partnership revealed that just over half of the 76 partnerships had implemented a new policy or environmental restoration project. In the other half of partnerships, tangible policy impacts may come in the future, as watershed partnerships frequently take up to four years to reach and implement consensus agreements (Leach, Pelkey, and Sabatier 2002), and the median partnership age among the inert half was only 36 months.

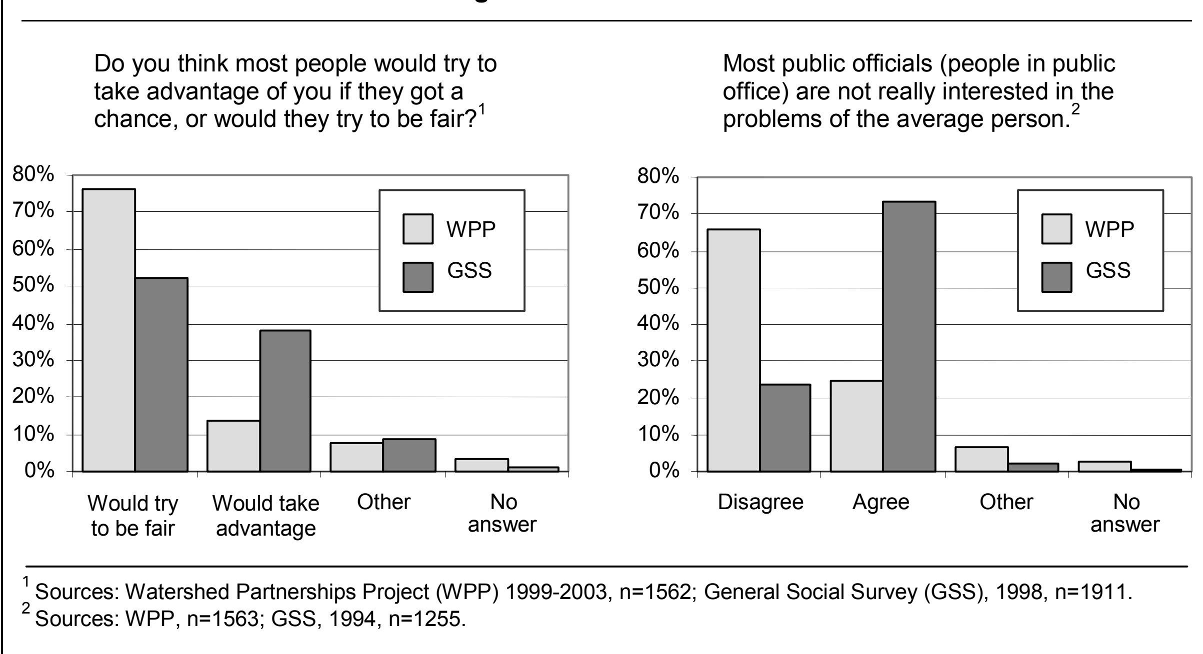
Conclusions

This paper has outlined a framework for assessing the democratic merits of collaborative policymaking processes, and has applied the framework to evaluate a random sample of 76 watershed-based stakeholder partnerships in California and Washington State.

The empirical findings of the study reveal two main concerns about the democracy of devolved watershed management. First, in one third of partnerships, participants were hand-selected, raising potential doubts about whether or not the interests of the excluded stakeholders were effectively represented by other stakeholders who did obtain a seat at the table. Similarly, half the stakeholders surveyed expressed doubts about whether all critical interests were effectively represented. Second, the study confirms that national environmental groups have indeed been marginalized by the increasing prevalence of local partnerships; of the 76 partnerships in the sample, only two had active participation by a major national environmental group. On the other hand, most partnerships include other stakeholders who can serve as proxies for the missing national environmental groups, at least in terms of the policy goals they are likely to favor.

In several respects, the study paints a positive picture of the democracy of devolution. Stakeholders generally gave partnerships high marks for procedural fairness, and most stakeholders report improvements in human and social capital, suggesting a high level of dialogue and deliberation. At least half of the sampled partnerships exhibited evidence of empowerment in the form of new policies or projects implemented under the auspices of the partnership. With respect to balance between environmental and economic interests, the study finds that, on average, environmental advocates and commercial resource users participate in roughly equal numbers, face comparable costs of participation, and have comparable levels of formal education (an indicator of political and technical savvy). Finally, the study should assuage the fears of critics who believe

FIGURE 7. Generalized Trust among Watershed Stakeholders and the General Public.



[1] Sources: Watershed Partnerships Project (WPP) 1999-2003, n=1562; General Social Survey (GSS), 1998, n=1911.
[2] Sources: WPP, n=1563; GSS, 1994, n=1255.

that collaboration equates with cooptation, at least in California and Washington. Federal and state agencies remain the most prominent category of stakeholders in watershed partnerships—both in terms of their sheer number at partnership meetings, and in the influence they wield over policy issues. In summary, the study detected no evidence that devolution has diminished government's role in watershed management, contrary to the vision of some devolution proponents (e.g. Lovins and Lovins 2000, vii)

In reviewing the significance of the study, several of its limitations are worth noting. First, democracy is not the only measure of the value of a policymaking process. In some cases, democracy may go hand in hand with other desirable traits such as efficiency (Colby 2003), cost effectiveness (Irvin and Stansbury 2004), or the quality of the resulting decisions (Coglianese 2003). At other times, it may be necessary to sacrifice a degree of democracy to achieve other goals, as when decisions must be made quickly or at minimal expense.

In applying the framework to an actual set of cases, two basic limitations are apparent in the available data. First, the indicators used were not uniformly detailed across the six aspects of democracy. For example, only indirect measures were available for lawfulness and deliberativeness, and the content validity of the measures is therefore limited. Future applications of the framework could strive to employ enhanced or complementary measures of these concepts. A second basic limitation is potential for sample bias given the selection of two West Coast states, which limits the generality of the findings. For example, the citizenry of both states is relatively "green" and liberal, which might mitigate the downsides of devolution from the environmental perspective. Devolution in other parts of the country with lower incomes, lower education levels, or less history of civic engagement might produce detectable levels of regulatory cooptation or capture (Mullen and Allison 1999, 659), and might result in fewer available proxies for the missing national environmental groups.

References

Adams, Brian. 2004. Public meetings and the democratic process. *Public Administration Review* 64 (1):43-54.

Ashford, Nicholas A., and Kathleen M. Rest. 1999. *Public Participation in Contaminated Communities*. Cambridge: Center for Technology, Policy, and Industrial Development, Massachusetts Institute of Technology.

Beierle, Thomas C. 1999. Using social goals to evaluate public participation in environmental decisions. *Policy Studies Review* 16 (3/4):75-103.

Bogdanor, Vernon, ed. 1991. *Blackwell Encyclopedia of Political Science*. Cambridge, MA: Blackwell.

Booher, David E., and Judith E. Innes. 2002. Network power in collaborative planning. *Journal of Planning Education and Research* 21 (221-236).

Bourne, Greg. 2002. Democracy and civic engagement: To what extent do consensus-building processes improve democratic participation and decision making? In *Critical Issues Papers*. Tucson, AZ: The Association for Conflict Resolution Environmental Public Policy Section.

Carpenter, Susan L., and W. J. D. Kennedy. 1988. *Managing Public Disputes: A Practical Guide to Handling Conflict and Reaching Agreements*. San Francisco: Jossey-Bass Publishers.

Coggins, George C. 1999. Regulating federal natural resources: a summary case against devolved collaboration. *Ecology Law Quarterly* 25 (4):602-610.

Coglianese, Cary. 1997. Assessing consensus: The promise and performance of negotiated rulemaking. *Duke Law Journal* 46 (6):1255-1349.

Coglianese, Cary. 1999. Rethinking consensus: Is agreement a sound basis for regulatory decisions? Paper read at Environmental Contracts and Regulation: Comparative Approaches in Europe and the United States, September 24-25, 1999, at University of Pennsylvania Law School.

Coglianese, Cary. 2003. Is satisfaction success? Evaluating public participation in regulatory policymaking. In *The Promise and Performance of Environmental Conflict Resolution*, edited by R. O'Leary and L. B. Bingham. Washington DC: Resources for the Future.

Colby, Bonnie G. 2003. Economic characteristics of successful outcomes. In *The Promise and Performance of Environmental Conflict Resolution*, edited by R. O'Leary and L. B. Bingham. Washington DC: Resources for the Future.

Dakins, Maxine E., Jeffery D. Long, and Michael Hart. 2005. Collaborative environmental decision making in Oregon watershed groups: Perceptions of effectiveness. *Journal of the American Water Resources Association* forthcoming.

de Tocqueville, Alexis. 1969. *Democracy in America*. Translated by G. Lawrence. Edited by J. P. Mayer. New York: Harper Perennial.

Elliott, Michael L. Poirier. 1999. The role of facilitators, mediators, and other consensus building practitioners. In *The consensus building handbook : A comprehensive guide to reaching agreement*, edited by S. M. L. Susskind, and J. Thomas-Larmer. Thousand Oaks, CA.: Sage.

Farber, Daniel A. 2000. Models of reinvention. In *Beyond Backyard Environmentalism*, edited by C. Sabel, A. Fung and B. Karkkainen. Boston: Beacon Press.

Fesler, James W. 1965. Approaches to the understanding of decentralization. *The Journal of Politics* 27 (August):536-66.

Fisher, Roger, and William Ury. 1981. *Getting to yes: Negotiating Agreement without Giving in*. Markham, Ontario: Penguin Books.

Fung, Archon, and Erik Olen Wright. 2001. Deepening democracy: Innovations in empowered participatory governance. *Political Sociology* 29 (1, March):5-41.

Innes, Judith E., and David E. Booher. 1999. Consensus building as role playing and bricolage: Toward a theory of collaborative planning. *Journal of the American Planning Association* 65 (1):9-26.
Irvin, Renee A., and John Stansbury. 2004. Citizen participation in decision making: Is it worth it? *Public Administration Review* 64 (1):55-65.
Kelleher, Christine, and Susan Webb Yackee. 2002. Second-order evolution: A focus on the opinions of county-level officials. *Policy Currents* 11 (3):2-10.
Kemmis, Daniel. 1990. *Community and the politics of place*. Norman, OK: University of Oklahoma Press.
Kenney, Douglas S. 2000. Arguing about consensus: Examining the case against western watershed initiatives and other collaborative groups active in natural resources management. Boulder, CO: Natural Resources Law Center, University of Colorado School of Law.
Kenney, Douglas S., Sean T. McAllister, William H. Caile, and Jason S. Peckham. 2000. The new watershed source book: A directory and review of watershed initiatives in the western United States. Boulder: Natural Resources Law Center, University of Colorado School of Law.
Kincaid, John. 1998. The devolution tortoise and the centralization hare. *New England Economic Review* (May/June):13-40.
Kincaid, John. 1999. Federal democracy and liberty. *PS: Political Science and Politics* 32 (June):211-16.
Laird, F. 1993. Participatory analysis, democracy, and technological decision making. *Science Technology and Human Values* 183:341-361.
Lawrence, Rick L., Steven E. Daniels, and George H. Stankey. 1997. Procedural justice and public involvement in natural resource decisionmaking. *Society and Natural Resources* 10:577-589.
Leach, William D., Neil W. Pelkey, and Paul A. Sabatier. 2002. Stakeholder partnerships as collaborative policymaking: Evaluation criteria applied to watershed management in California and Washington. *Journal of Policy Analysis and Management* 21 (4):In Press.
Lovins, Hunter, and Amory Lovins. 2000. Foreword. In *Beyond Backyard Environmentalism*, edited by C. Sabel, A. Fung and B. Karkkainen. Boston: Beacon Press.
Lowi, Theodore J. 2000. Frontyard propaganda. In *Beyond Backyard Environmentalism*, edited by C. Sabel, A. Fung and B. Karkkainen. Boston: Beacon Press.
Lowrie, S. Gale. 1992. Centralization versus decentralization. *The American Political Science Review* 16 (August):379-386.
Mansbridge, Jane J. 1983. *Beyond Adversary Democracy*. Chicago: University of Chicago Press.
McCloskey, Michael. 1996. The skeptic: Collaboration has its limits. *High Country News* 28 (May 13).
McLean, Iain. 1996. *Oxford Concise Dictionary of Politics*. Oxford: Oxford University Press.
Mohai, Paul. 1987. Public participation in natural resource decision-making. *Natural Resources Journal* 27 (1):123-155.
Moote, M. A., M. P. McClaran, and D. K. Chickering. 1997. Theory in practice: Applying participatory democracy theory to public land planning. *Environmental Management* 21 (6):877-889.
Mullen, M. W., and B. E. Allison. 1999. Stakeholder involvement and social capital: Keys to watershed management success in Alabama. *Journal of the American Water Resources Association* 35 (3):655-662.
Overdevest, Christine. 2000. Participatory democracy, representative democracy, and the nature of diffuse and concentrated interests: A case study of public involvement on a national forest district. *Society & Natural Resources* 13:685-696.
Rieke, Betsy, and Douglas Kenney. 1997. Resource management at the watershed level: An assessment of the changing federal role in the emerging era of community-based watershed management. Report to the Western Water Policy Review Advisory Commission, Western Water Policy Review Advisory Commission, Denver, CO. Boulder, CO: Natural Resources Law Center, University of Colorado School of Law.
Roberts, Nancy C. 2002. Calls for dialogue. In *The Transformative Power of Dialogue*, edited by N. C. Roberts. Oxford: Elsevier Science.
Rowe, Gene, and Lynn J. Frewer. 2000. Public participation methods: A framework for evaluation. *Science, Technology, and Human Values* 25 (1):3-29.
Sabatier, Paul A., Chris M. Weible, and Jared A. Ficker. 2005. History of water management in the U.S.: Implications for collaborative watershed approaches. In *Swimming Upstream: Collaborative Approaches to Watershed Management*, edited by P. Sabatier, W. Focht, M. Lubell, Z. Trachtenberg, A. Vedlitz and M. Matlock. Cambridge: MIT Press.
Sabel, Charles, Archon Fung, and Bradley Karkkainen. 2000. *Beyond Backyard Environmentalism*. Boston: Beacon Press.
Savitz, Jacqueline. 2000. Compensating citizens. In *Beyond Backyard Environmentalism*, edited by C. Sabel, A. Fung and B. Karkkainen. Boston: Beacon Press.
Scholz, John T. 1991. Cooperative regulatory enforcement and the politics of administrative effectiveness. *American Political Science Review* 85 (1):115-136.
Siegler, Ellen. 1997. Regulatory negotiations and other rulemaking processes: strengths and weaknesses from an industry viewpoint. *Duke Law Journal* 46 (April):1429-1444.
Snow, Donald. 2001. Coming home: An introduction to collaborative conservation. In *Across the Great Divide: Explorations in Collaborative Conservation and the American West*, edited by P. Brick, D. Snow and S. Van de Wetering. Washington, DC: Island Press.

Susskind, Lawrence. 2000. Building consensus. In *Beyond Backyard Environmentalism*, edited by C. Sabel, A. Fung and B. Karkkainen. Boston: Beacon Press.
Swartz, Rebecca. 2001. What is a 'case' in post-reform Wisconsin? Reconciling caseload with workload. Madison, WI: Hudson Institute Welfare Policy Center.
Thomas, Craig W. 2000. Habitat conservation plans: Certainly empowered, somewhat deliberative, questionably democratic. Paper read at Real Utopia Project, January 13-16, at Madison, WI.
Thomas, John Clayton. 1995. *Public Participation in Public Decisions*. San Francisco: Jossey-Bass.
Tyler, Tom R., and Steven Blader. 2000. *Cooperation in Groups: Procedural Justice, Social Identity, and Behavioral Engagement*. Philadelphia: Psychology Press.
Welsh, Michael M. 2004. Reaction of the national environmental groups to devolution. *Society & Natural Resources* 17 (4 (April)):293-304.
Wilson, Matt, and Eric Weltman. 2000. Government's job. In *Beyond Backyard Environmentalism*, edited by C. Sabel, A. Fung and B. Karkkainen. Boston: Beacon Press.