

THE WASHINGTON DEPARTMENT OF FISH AND WILDLIFE'S PARADIGM SHIFT:  
A GROUNDED THEORY ANALYSIS OF LAW ENFORCEMENT OFFICERS'  
RECEPTIVITY TOWARD COLLABORATIVE PROBLEM SOLVING

By

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To the Faculty of Washington State University:

The members of the Committee appointed to examine the dissertation of RYAN PATTEN find it satisfactory and recommend that it be accepted.

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Chair

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In October of 2002 I applied for a part-time job with the Division of Governmental Studies and Services (DGSS). I was hired and originally assigned to assist with project development activities associated with the Natural Resources Leadership Academy (NRLA). Little did I know that my involvement with DGSS and NRLA would serve as the catalyst for my future research interests and the foundation for this dissertation. Since the beginning of my relationship with DGSS and NRLA, I have become indebted to a number of helpful individuals who have guided my learning and supported me with the completion of this ambitious this research project.

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Abstract

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This dissertation utilizes a *grounded theory* approach to understanding in the exploration of the opinions and attitudes of Washington Department of Fish and Wildlife (WDFW) law enforcement officers' regarding their agency's effort to accomplish a "paradigm shift" toward collaborative problem solving to gain compliance with resource-protective regulations. While a laudable and timely goal, such a paradigm shift faces numerous internal and external barriers to successful implementation by the WDFW law enforcement division.

By way of general context, over a century of natural resource rule-making and regulation by the federal government has angered many citizens in the American West, and this resentment creates difficulties for the WDFW and similar natural resource regulatory agencies as they attempt to utilize collaboration in the field. Although the use of collaboration has been on the rise in the United States since the 1970s, it is generally not yet the preferred method of natural resource conflict resolution. Additionally, paradigm shifts of the sort being dealt with here in American law enforcement agencies have been historically difficult to implement. In recent

history, the effort to implement community-oriented policing (COP) has been confronted by numerous internal obstacles – among the most important being officer resistance to change.

The 43 WDFW law enforcement officers interviewed for this research study revealed that there remains a general lack of rank-and-file commitment to make use of collaboration to resolve contentious natural resource problems on the part of the officers. This lack of commitment would seem to result from two principal sources: the current reward system does not give due recognition to officer efforts to use collaboration, and very little communication takes place between veteran and rookie officers concerning the utility of collaboration in natural resource law enforcement work. To the extent that the WDFW is typical of other natural resource regulatory agencies, the lessons learned from this research study should be of interest to the many other public agencies seeking to make the paradigm shift from feared “regulator” to a trustworthy “collaborative problem solver.”

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## **Dedication**

To Barry and Susan who have always provided both love and support.

## CHAPTER ONE

### HISTORICAL CONTEXT: CONTINUITY AND CHANGE IN ENVIRONMENTAL AND NATURAL RESOURCE AGENCIES' APPROACH TO REGULATORY ACTION

#### Introduction

This dissertation utilizes a *grounded theory* approach to understanding in the exploration of the opinions, thoughts, and feelings of Washington Department of Fish and Wildlife (WDFW) law enforcement officers' regarding their agency's "paradigm shift" in how to gain broadly-based compliance with resource-protective rules and regulations. The shift in question involves moving away from primary reliance upon traditional enforcement techniques towards the frequent use of collaborative decision-making processes on a wide range of natural resource problems. The WDFW can be viewed as an "early adopter" of organizational change in this area of policy development and administration regarding natural resource and environmental public policies. William Ruckelshaus, the first Administrator of the U.S. Environmental Protection Agency, has laid out the need for the paradigm shift in question for all parties interested in natural resource and environmental protection in a thoughtful and widely read document titled: *The Environmental Protections System in Transition: Toward a More Desirable Future* (Ruckelshaus and Hausker, 1997). Many environmental and natural resource agencies at the state and federal level are engaged in a similar paradigm shift and learning how to make proper use of the potential benefits of collaborative processes in their respective areas of responsibility.

The grounded theory approach requires the researcher to rely primarily upon the officers' own words and stories to construct a composite narrative that will identify potential future difficulties that may be encountered by the WDFW and other similar natural resource agencies as they attempt to implement collaboration as the main tool for problem-solving and conflict

resolution. Collaboration has proven to be an effective instrument for conflict resolution in the environmental and policing arenas in a number of high visibility settings, such as the citizen fear reduction program in Houston, Texas (Brown and Wycoff, 1986), the Timber, Fish, and Wildlife Agreement in Washington (Mangin, 1989) and the Applegate Alliance in Oregon (Weber, 2003). There has not, however, been uniform success at generating solutions to controversial situations that involve diverse and contentious stakeholders.

This chapter will set forth the historical context for this dissertation. The public policy dilemma facing natural resource agencies regarding the most effective means of gaining compliance with the Endangered Species Act (ESA) provides the backdrop for the intensive exploration of collaborative processes by natural resource and environmental agencies (Blumm and Corbin, 1999; Smith, 2001; Lundmark, 2002). This chapter will illustrate how the WDFW attempted to implement collaborative decision-making processes in two challenging ESA compliance settings. The two case studies of Pacific salmon recovery efforts carried out by the agency, one taking place in the Methow Valley River Basin and the other occurring in the Walla Walla River Basin, will demonstrate how the law enforcement division of the WDFW sought to initiate the paradigm shift from primary reliance upon rule enforcement to active use of collaborative problem-solving to promote compliance.

The subsequent chapters of this dissertation will further describe how three seemingly distinct and isolated historical and sociological developments in the American West have in fact intertwined to give rise to a very complex organizational environmental setting for the WDFW. First the examination of the past 100 years of federal management of water resources and land use policy in the West will be presented, focusing on the anger that this form of regulation has engendered among residents of the Western states (Cawley, 1993; Helvarg, 1994; Hanson, 1995;

Ruckelshaus, 1997; Switzer, 1997). Next, the sustained increase in the rate of the use of collaborative processes as a method for managing conflicts over natural resource and environmental policies will be discussed. Two case studies, one affecting the Pacific Northwest generally and the other focused in Southern Oregon and Northern California, will serve to highlight some of the noteworthy advantages of collaborative decision-making regarding natural resource issues, as well as making clear some of the pitfalls associated with relying on traditional adversarial processes to resolve complex environmental disputes. Finally, the difficulties encountered in past “paradigm shifts” attempted by public agencies responsible for law enforcement will be investigated. These three noteworthy societal developments have all coincided to provide the background setting for the WDFW as the agency attempts to incorporate collaboration as a practical problem-solving skill at the disposal of the law enforcement division of the agency.

The major strength of this dissertation is the depth and richness of the interview material gathered from agency personnel directly experiencing the paradigm shift, and the fact that many other environmental and natural resource management organizations may be able to learn from WDFW’s successes and mistakes alike when attempting to implement the use of collaborative decision-making in their agencies. Before examining, in some detail, the case studies of collaborative decision-making in the Methow Valley and the Walla Walla River Basins, the reader must have some appreciation for the seriousness of the problem of ESA listing of fish species and the complexity of the environmental and political difficulties associated with the dramatic decline in wild Pacific salmon populations in the Pacific Northwest.

## **A Brief Explanation of the Decline of Pacific Northwest Salmon**

From the early days of European settlement in the Pacific Northwest in the early-to-mid 1800s, an escalating battle over the precious water that runs through the territory and the aquatic life that lives in it has been building as competing uses of water have arisen along with the economic development of the region. As large scale agricultural mechanization and industrialization have progressed, and human population density in the area has increased, the conflict over the limited water supply has broadened both in scope and intensity. With respect to salmon harvests, the year 1883 saw the largest commercial catch in recorded history of 43 million pounds (Netboy, 1958; Preston, 1970). Since that time commercial catches have dwindled to less than a couple of million pounds each year (Lichatowich, 1999; Grossman, 2002). There are likely many reasons for the precipitous drop of Pacific Northwest salmon stocks, and not all experts in this area of biological science agree with the varying science-based opinions offered to account for the declining fish harvests (Netboy, 1980; Nehlsen, Williams, and Lichatowich, 1992). A detailed discussion of all of the possible reasons for the declining salmon populations most certainly exceeds the scope of this dissertation; however, some of the more central and contentious explanations will be discussed briefly in the following section to provide sufficient background to the study of a paradigm shift phenomenon in the WDFW.

### *Hypothesized Causes for the Decline in Salmon Populations*

It is likely that there is no *one* main reason why salmon populations have been declining for the last century. Scientists have not been able to demonstrate convincingly how serious any one population depletion problem is, or to quantify how many fish have actually been harmed by any one specific environmental malady or harvest activity (Lewis, 1994; Buchal, 1998). The

impact of any single historical event or habitat alteration that kills salmon cannot be separated from all of the other negative effects in any particular watershed (Lichatowich, 1999).

*Warmer Ocean Temperatures and an Increasing Number of Predators*

Warmer ocean temperatures create opportunities for new predators to prey on salmon in the ocean. For example, Pacific mackerel, normally not found in traditional salmon habitat, have been found following the warmer ocean water caused by El Niño northward into the salmon ecosystem (Beamish and Bouillion, 1993). Furthermore, other warmwater, non-predatory fish have been competing with salmon for finite food resources in the ocean areas traditionally not occupied by these interlopers (Nickens, 2002).

In the 1980s, the WDFW introduced walleye, a highly invasive species, into the Columbia River above the Grand Coulee Dam (Buchal, 1998). Due to the carelessness of recreational fishers, walleye populations have since spread all the way into the Snake River where they feed on juvenile salmon. Along these same lines of cross-species predation, in 1972 the Marine Mammal Protection Act (MMPA) was signed into federal law. The MMPA created a safe haven for seals and sea lions; both species are fierce predators of salmon. Under the MMPA, however, the main predator of seals and sea lions, humans, has been eliminated from the ecological equation. Consequently, since 1970 the number of West Coast sea lions has tripled and these predators are commonly seen eating returning salmon as the fish enter the Columbia River below Bonneville Dam (Bernton, 2005). The WDFW has even resorted to dropping so-called “seal bombs,” an explosive device that creates a mild shock under the water’s surface designed to scare the sea lions (McCall, 2005). As of yet, these methods have not proven effective.

### *Pollution and the Loss of Habitat*

Centuries of mining and manufacturing have taken their toll on the region's waterways as well. Common pesticides employed in farming activities can "bioaccumulate" in the fat stores of salmon (Bouck, 1977). There is considerable scientific evidence that such pollutants interfere with the reproduction and survivability of salmon (Monks, 2000). These toxins are passed on from generation to generation, making future fish more susceptible to disease and abnormal development (Anway, Cupp, Uzumcu, and Skinner, 2005). In 1999, a joint research effort conducted by the University of Idaho and Washington State University revealed that four-fifths of female Columbia River, fall Chinook salmon, returning to spawn in the Hanford Reach, began their lives as males (Nagler, Bouma, Thorgaard, and Dauble, 2001). Although radiation contamination from the Hanford Nuclear Reservation was determined to have no factor in the salmon sex reversal, the scientists believed that some other environmental toxin was the culprit for the genetic problem.

With the rise of agriculture in the Columbia and Snake River regions, many tributary streams have run dry because water is being used to irrigate crop fields. The "dewatering" of streams and creeks has been a serious problem in the Methow Valley and Walla Walla River Basins, and this phenomenon will be discussed later in this study. These cool streams are a necessity for successful salmon breeding (Netboy, 1980). Both logging and agriculture have increased silt deposits in streams, and this residue can suffocate and thereby destroy fertilized salmon eggs. Intense logging has also removed shade trees from along the stream banks, increasing the water temperature. Rising temperatures can bring ailments that plague the fish such as infectious disease and starvation due to increased metabolic rates (Netboy, 1958).



### Over-fishing and Hatcheries

There are numerous human entities vying for a finite number of Pacific salmon, and many marine resource researchers studying salmon populations fear that humans are over-harvesting the fish. Some researchers have countered the notion that over-fishing is decimating salmon populations by noting the fact that in 1938 commercial fishers worked the Columbia River 272 days per year while by 1994 the Columbia River fishery was completely off-limits to commercial fishers (Petersen, 1995, p. 218). Unfortunately, worldwide growth in the fishing industry virtually exploded after 1970, and between 1970 and 1990 the world's commercial fishing fleet doubled in size (Buchal, 1998).

Fish hatcheries for the replenishment of salmon stocks have been in operation on the Columbia and Snake Rivers for over a hundred years now (Hilborn, 1992). As time has progressed and the number of returning salmon has dwindled further, more and more hatcheries have appeared on both the Columbia and Snake Rivers, as well as on many of their key tributaries. Once considered a likely panacea for the Pacific salmon depletion problem, more recently fish hatcheries have fallen into disfavor with a great many fishery biologists (Hilborn, 1992; Cone and Ridlington, 1996; Lichatowich, 1996). While fish hatcheries definitely increase the number of salmon in the rivers and in the ocean, they do not protect the genetic stability of wild stocks of salmon (Martin, Weber, and Edwards, 1992). Simply stated, those in charge of the fish hatcheries did not concern themselves greatly with the genetic histories of existing salmon runs. In common past practices, eggs from one fish hatchery, and a distinct salmon run, were moved to another fish hatchery and fertilized with sperm from a completely dissimilar and unique salmon run. Hatchery operators committed a sin nearly every dog and horse breeder knows not to make; in that line of endeavor it is necessary to be certain to identify and isolate

pure-bred animals so that they maintain the superior qualities of that specific breed in progeny (Meffe, 1992; Buchal, 1998).

### Dams

Salmon migrating from the ocean through the Columbia and Snake Rivers all the way to Idaho will have to traverse through at least eight major dams: the Bonneville, the Dalles, the John Day, the McNary, the Ice Harbor, the Lower Monumental, the Little Goose, and the Lower Granite (Collins, Ebel, Monan, Raymond, and Tanonaka, 1975). There are numerous negative impacts to salmon caused by these dams, principal among them are slack currents, turbine blades, and nitrogen supersaturation (Craig, 1935; Neave, 1958). Few, if any, credible scientists dispute these facts, but scientists do disagree as to the extent to which the dams are harmful to salmon stocks. Quantifying how many salmon are injured by the dams, and in what capacity the dams do cause harm to the fish, are among the most pertinent and complex issues facing Pacific salmon recovery efforts (Glavin, 1996; Lichatowich, 1999). This issue of costs and benefits of Snake and Columbia River Dams and the specific harm they cause salmon recovery will be discussed in considerable detail in Chapter 3.

Migrating juveniles or “smolts” rely on swift river currents, both for their nutrition and their downstream migration (Davidson, 1937). The vast reservoirs or virtual “lakes” created by the dam impoundments eliminate much of the river’s natural current. Since the free-flowing rivers have been slowed down greatly, nutrients are no longer scoured up from the river’s bottom and the chances of starvation increase (Heuvelmans, 1974). The huge impoundments created by the dams have also inundated miles of salmon spawning habitat (Petersen, 1995). Prior to the construction of the series of dams migrating smolts spent about 22 days traveling from their birthplace in the Salmon River in Idaho to the lower Columbia River. Because of the “lakes”

created by the dams, however, it now takes a smolt about 54 days to reach the lower Columbia River (Ebel, 1977). Of course the delay for the smolts reaching the open ocean greatly increases the chance of predation and disease.

River water carefully channeled inside the dams creates energy by spinning turbines, which are essentially very large and quite sharp rotating blades. Undoubtedly some migrating smolts are killed by the whirling turbine blades, but the exact number of juvenile fish being killed has always been somewhat of a mystery – and remains a hotly debated matter yet today (Netboy, 1958; Buchal, 1998). Some biologists estimate that as many as 15 percent of all migrating smolts are killed at each dam, whereas other scientists estimate as few as two or three percent of the smolts are destroyed at each concrete giant (Petersen, 1995; Buchal, 1998). Although fish ladders and other salmon migration dam modifications have been employed in an attempt to reduce juvenile salmon mortality, the recognized experts in the field disagree widely on the overall effectiveness of these ameliorative efforts.

While the inner workings of the dams in the Pacific Northwest have been altered in an attempt to ensure that the migrating smolts will successfully bypass the deadly spinning turbine blades, occasionally dam operators will spill water over the top of the dam to assist the juvenile fish in avoiding the turbines. Dam operators are rather loath to partake in this practice because water going over the dam does not spin the turbines and, as a consequence, the dams are not creating energy and are not generating revenues from the sale of electricity to the regional power grid maintained by the Bonneville Power Authority (Petersen, 1995). Unfortunately, spillage creates perhaps the most harmful effect for salmon – namely, supersaturation of nitrogen (Bilby, Fransen, and Bisson, 1996). Salmon are affected by nitrogen supersaturation in much the same way as a human underwater diver. Bubbles of free nitrogen are formed under the skin, and in

some cases the eyes of fish have actually exploded out of their heads (Collins, et al., 1975). In 1970, the National Marine Fisheries Service estimated that up to 75 percent of all Idaho juvenile salmon smolts died as a result of nitrogen supersaturation (Peterson, 1995). The cumulative negative effects of all the human-caused fish mortality, as well as the naturally occurring phenomena noted above, have most certainly taken their toll on salmon stocks in the Pacific Northwest.

### **Threatened, Endangered, and Extinct Salmon Runs in the Pacific Northwest**

As a result of the rapid decline in the number of Pacific Northwest salmon returning to the Columbia and Snake Rivers, many salmon runs have been listed as threatened or endangered under the 1973 Endangered Species Act (ESA) (Blumm and Corbin, 1999). In 1988, Snake River coho salmon were declared extinct, and in 1990 only one sockeye salmon was able to successfully navigate the eight federally operated dams on the lower Columbia and Snake Rivers and return to Red Fish Lake in Idaho (Peterson, 1995). In 1991, the Snake River chinook salmon run was declared threatened under the ESA. From 1991 to 2000, eleven other salmon species were declared threatened or endangered in the Columbia and Snake River Basins (Federal Caucus, 2000).

The legal obligation to enforce the ESA in Washington state is the responsibility of the National Oceanic and Atmospheric Administration National Marine Fisheries Office for Law Enforcement (NOAA). NOAA often relies on the assistance of the WDFW and equivalent agencies in Oregon and California when enforcing Pacific salmon listings under the ESA. In the past, NOAA's limited enforcement efforts with respect to the protection of critical salmon habitat in the Pacific Northwest gave the appearance of lax concern on the part of the agency (Division of Governmental Studies and Services [DGSS], 2003). By 1998, in order to address

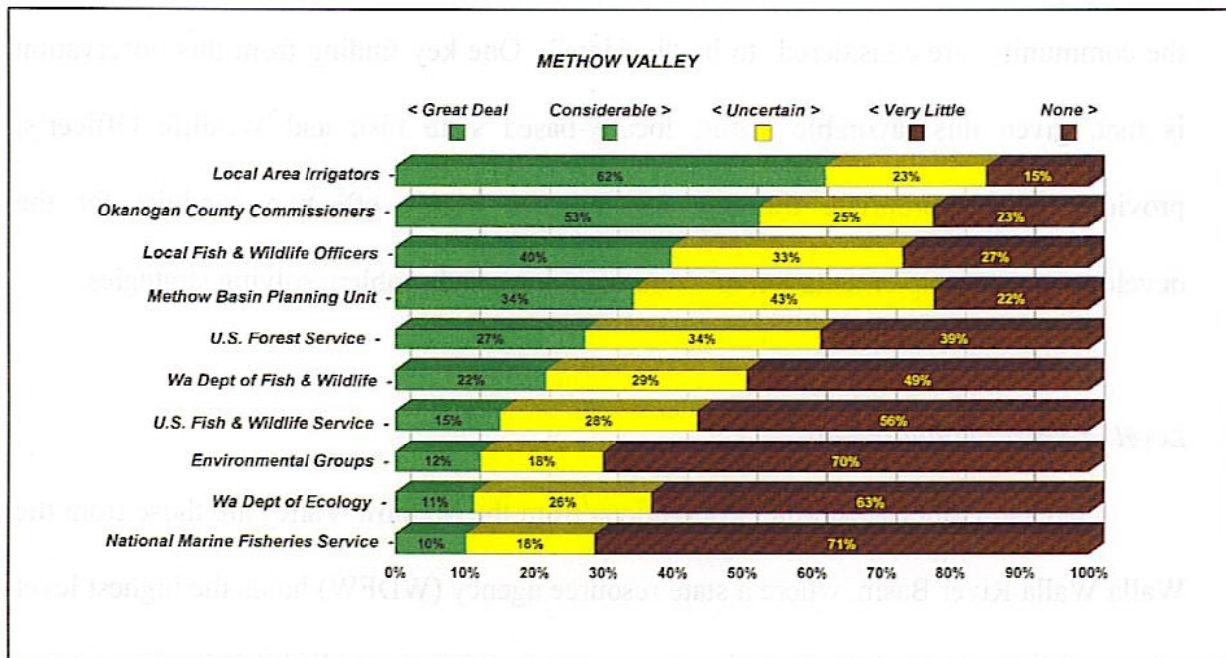
the “paper tiger” issue, NOAA and the WDFW each adopted similar revised enforcement policies that emphasized collaborative partnerships between state, tribal, and local natural resource management agencies that featured active engagement of the public. Shortly after the revised enforcement approaches were approved by the two agencies, they were tested out in the Methow Valley and Walla Walla River Basins in eastern Washington. These two rural, politically conservative areas were targeted because of ESA violations regarding the illegal taking of threatened and endangered salmon associated with longstanding and accepted agricultural irrigation practices.

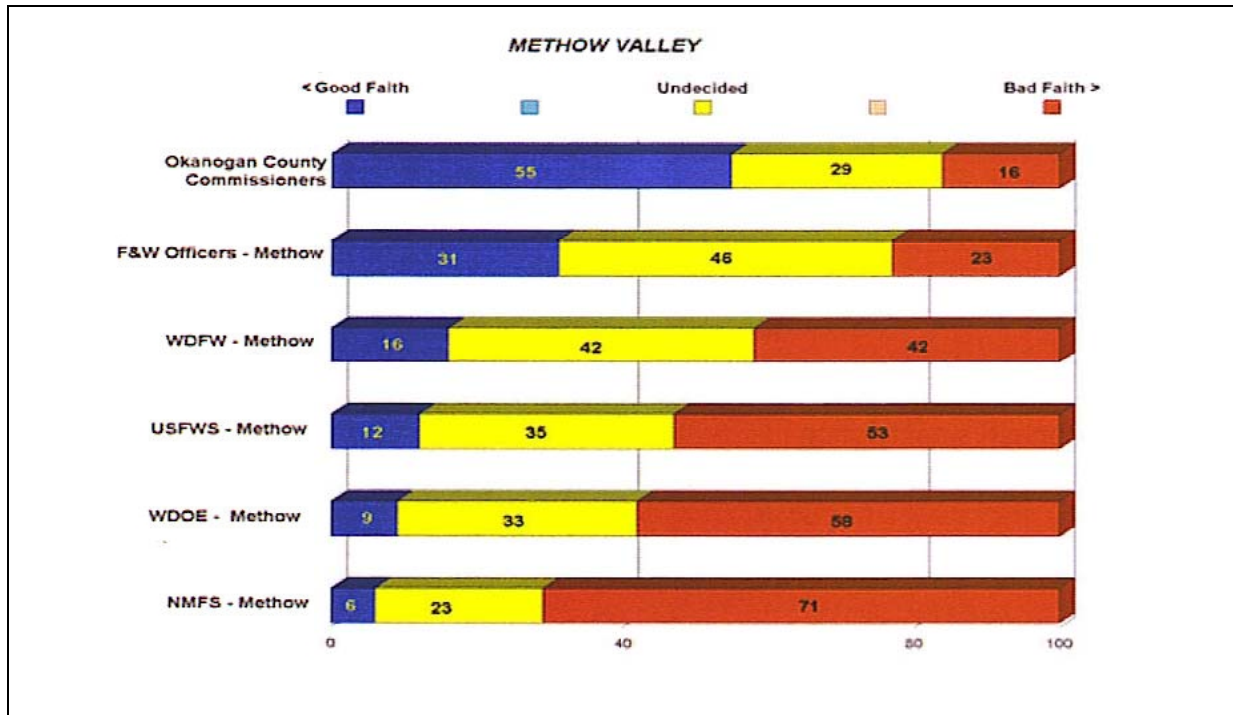
#### *Enforcement Efforts in the Methow Valley River Basin*

In the fall of 1997, steelhead were listed as endangered under the ESA in the Upper Columbia River (Buchal, 1998). By 1998, NOAA had identified 56 gravity-fed ditches that were functioning improperly or blocking access to historic salmonid spawning sites (DGSS, 2003, p. 13). Of these 56 illegal ditches, 33 were targeted for fish-protective improvements. By the spring of 1999, NOAA, with the support of the WDFW, the United States Forest Service, the United States Fish and Wildlife Service, and the Washington State Department of Ecology established a four-step compliance plan that addressed the ESA violations documented in the Methow Valley (DGSS, 2003). The compliance strategy adopted provided for an initial request that parties affected by the ESA rules voluntarily comply. Next, contact would be made with those who did not retrofit their illegal irrigation ditches. Third, after official notification warnings were issued to those still in violation deadlines would be established for further enforcement action. Last, compliance would be achieved through active enforcement and prosecution if necessary.

By late 1999, 32 of the 33 non-compliant drainage ditches had conformed to requirements to implement fish-protective measures under the stipulations of the ESA (DGSS, 2003). The ESA compliance gained by the enforcement actions taken by NOAA, however, came at significant expense for both NOAA and the WDFW; the two agencies became the objects of mistrust and derision by the community in the process. The legal but “heavy-handed” enforcement tactics employed by the agencies resulted in the election of vocal critics of the ESA to key local government offices and brought about the serious disruption of economic development plans for the Methow Valley (DGSS, 2003). In all likelihood, any future natural resource protection efforts in the Methow Valley are likely to become highly adversarial as a consequence of this trying experience. A survey of area residents conducted in 2002 by researchers at Washington State University documented overwhelmingly hostile and negative attitudes among Methow Valley community members towards NOAA, the WDFW, and other governmental agencies involved in the enforcement process (DGSS, 2003) (See Figure 1.1).

Figure 1.1 – Measures of Trust and Good Faith by the Citizens of the Methow Valley River Basin





(DGSS, 2003).

Following the troubled Methow Valley enforcement effort, another potentially controversial ESA enforcement action was undertaken shortly thereafter in the Walla Walla River Basin.

*The Cooperative Compliance Effort in the Walla Walla River Basin*

By the fall of 2000, steelhead were officially listed as threatened in the Walla Walla River Basin and, once again, the ESA enforcement effort fell to NOAA and the WDFW. After reflecting on the contentious enforcement effort led by NOAA in the Methow Valley River Basin, the WDFW requested to be in the lead of the salmon recovery attempt in the Walla Walla case (Matthews, personal communication, May 9, 2005). NOAA acquiesced to the request made by the WDFW, but the agency insisted on maintaining an important supporting role in the compliance endeavor.

Spearheaded by the law enforcement division, specifically WDFW Captain R. Michael (Mike) Bireley, WDFW staff in the Walla Walla region began to improvise on the enforcement

approach used in the Methow Valley. Bireley and his associates created the Cooperative Compliance Review Program (CCRP) to maximize voluntary compliance in a fish screening program (DGSS, 2003). The CCRP emphasized *compliance through cooperation* using an incentive-based approach to protect juvenile salmon resident in the area's streams and rivers. Specifically, the CCRP outlined a five-step process to aid local citizens in complying with the fish-protective requirements of the ESA. The CCRP five-tier plan included: technical assistance in building new irrigation screens, reduced risk of prosecution if good faith efforts to comply with the law were made, the possibility of cost-sharing assistance, clarifying landowner rights, and assistance in obtaining any and all permits necessary to operate ditch-screen diversions (DGSS, 2003).

Additionally, the WDFW identified as many stakeholders as possible regarding irrigation practices. Bireley spoke with environmental groups, tribal governments, state elected officials, county commissioners, conservation district commissioners, academics, farmers, ordinary citizens, and a variety of federal and state natural resource agencies. Through persistent effort and dedicated expression of faith in the potential of collaborative processes for problem-solving, virtually all these parties were ultimately willing to participate actively in the CCRP process. The various stakeholders were brought into a series of meetings and discussions outlining the specific outcomes necessary for the farmers' water diversions to be viewed as compliant under the ESA while maintaining the economic viability of their agricultural operations (DGSS, 2003). The CCRP effort built trust and facilitated cooperation among the different entities involved in the water diversion dispute, as well as enhanced public confidence in the local WDFW law enforcement officers and the agency in general. Within a four-month period over 300 individual agricultural ventures applied to participate in CCRP, and roughly 450 non-compliant fish screens



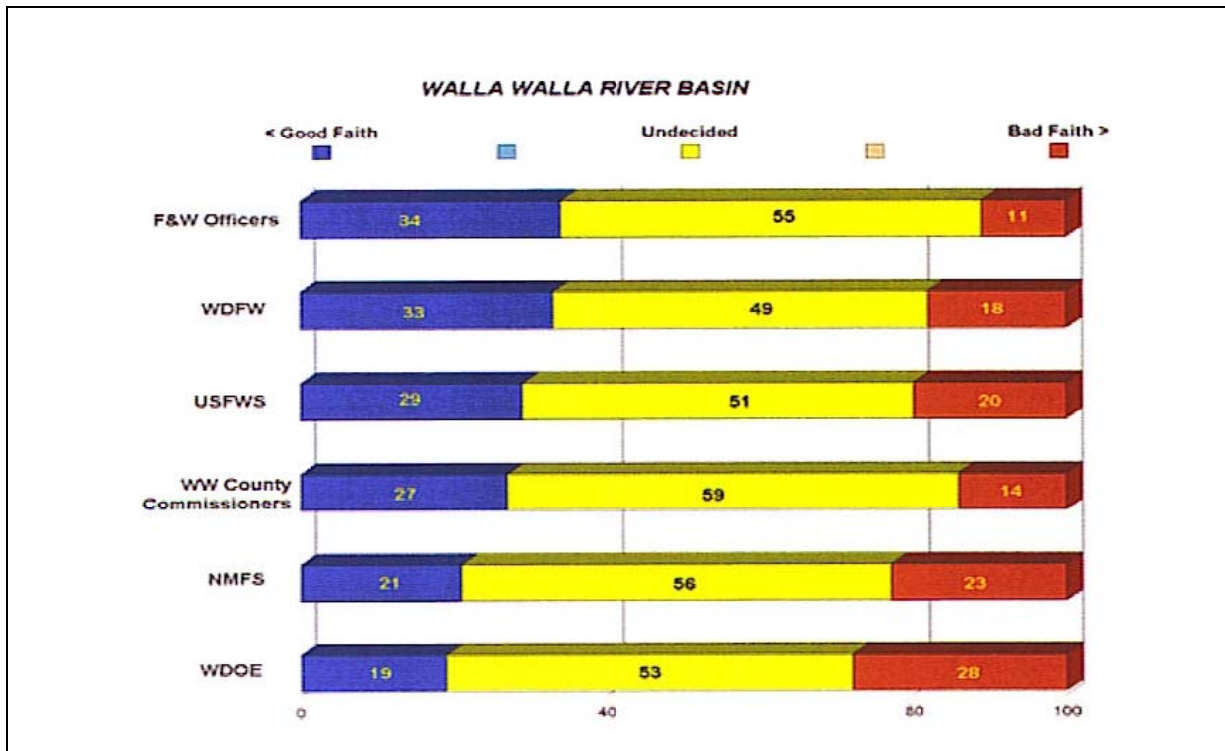
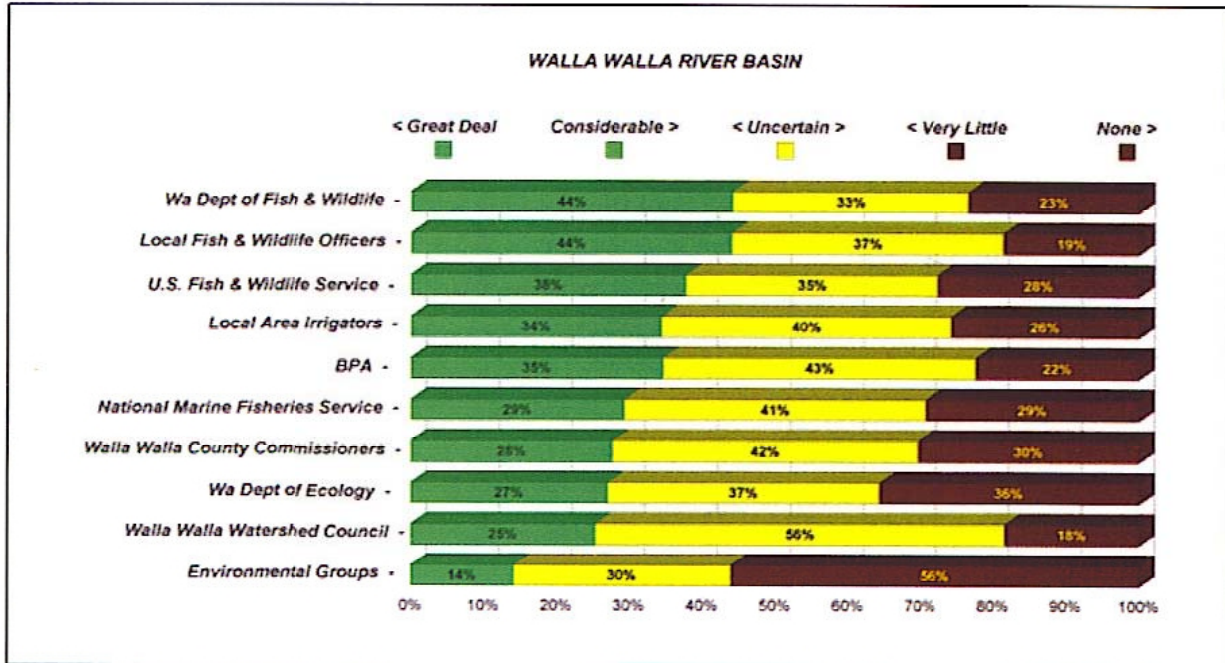
were brought into conformity with fish-protective measures required by the ESA (DGSS, 2003). As would be expected, citizens in the Walla Walla River Basin who were affected by the CCRP program expressed much higher levels of trust and attributions of good faith to WDFW law enforcement officers, and the agency as a whole, in comparison to the citizenry of the Methow Valley (See Figure 1.2).

### **Implications**

The ESA enforcement actions undertaken in the Methow Valley and the Walla Walla River Basins, however, did not occur in social and political vacuums. There is a historical legacy at play throughout the western region of the United States regarding federal management and control of local land uses and watershed diversions implemented without the benefit of local input. The last two decades have witnessed an increase in the demand of western interests to be considered and consulted by the federal and state land and water managers. Furthermore, there has been a dramatic increase in the utilization of collaboration regarding controversial natural resource issues over the last 20 years (Bingham, 1986; Susskind, Levy, and Thomas-Lerner, 2000). Collaborative efforts, however, can be very time-consuming and ultimately fail to resolve the controversy. Understanding the importance of these two sensitive topics, and buoyed by the noteworthy accomplishments of the CCRP program in the Walla Walla River Basin, the WDFW is attempting to adopt collaboration as a preferred approach to gaining compliance regarding significant contentious situations entailing natural resource protection regulations affecting normally law-abiding people.

The WDFW has spent almost \$84,000 over the course of the past three years on the training of key staff in the practice of collaboration (Gaffney, personal communication, January

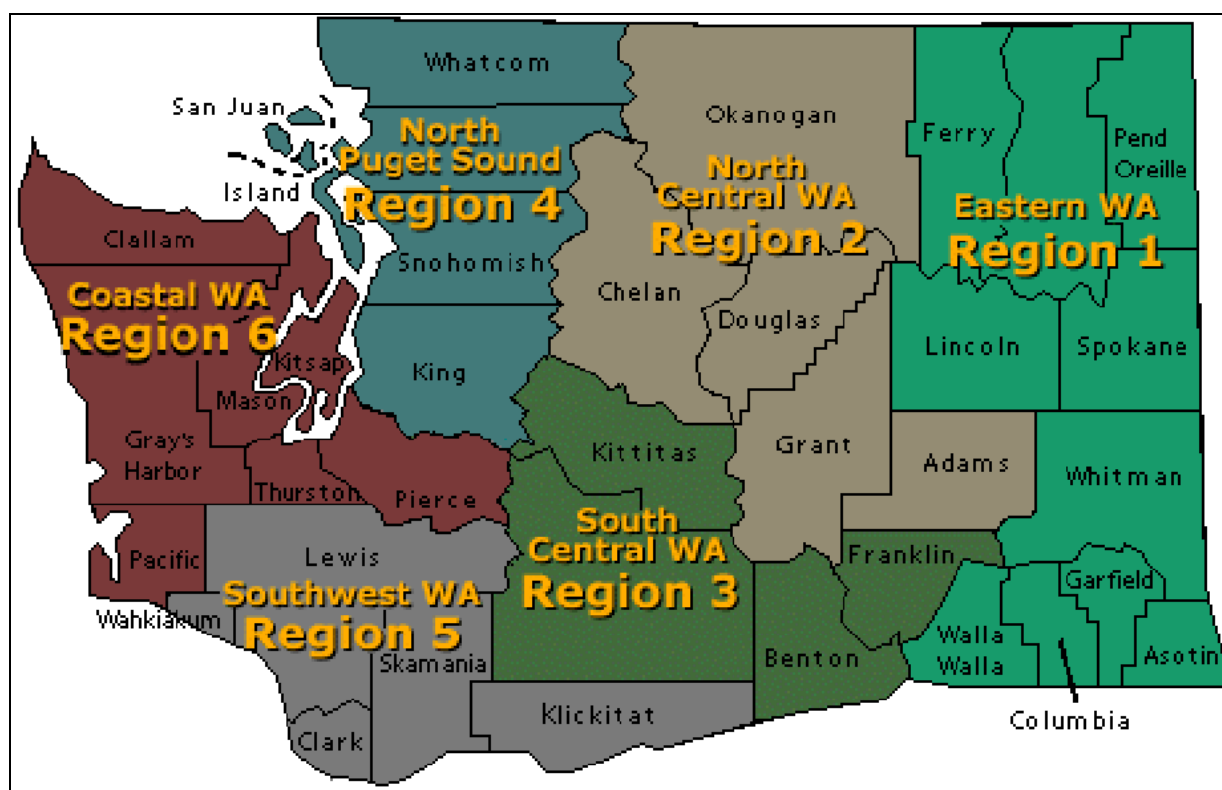
Figure 1.2 – Measures of Trust and Good Faith by the Citizens of the Walla Walla River Basin



(DGSS, 2003).

18, 2006). In the spring and summer of 2005, six training sessions were conducted in the six WDFW administrative regions throughout Washington state. Attendees at these regional training sessions were comprised of all the various functional divisions within the WDFW – namely, law enforcement, wildlife, habitat biologists, and fish biologists. Additionally, select members of the agency’s law enforcement division had attended two prior collaborative process training conferences; one session has held in the spring of 2003, and the second was conducted in the spring of 2004 (See Figure 1.3).

Figure 1.3 – The Six Administrative Regions of the WDFW



(WDFW, 2005).

Despite the personnel time and agency money invested in the training of select WDFW staff, there are no guarantees that capacity for effective collaboration will be successfully built in

the WDFW as a direct consequence of their training, especially with respect to the law enforcement division. Successful collaborative processes generally require the participation of all major stakeholder groups, many of which have had conflictual past relationships with other entities and with some government agencies. Collaboration is often a very delicate process where trusting partnerships must be established over a period as short as a few months – or as long as several years. Even if these concerns for stakeholder inclusion and trust building are adequately addressed, there is still the possibility that the WDFW law enforcement officers themselves will underutilize collaboration, and rely too heavily upon their traditional enforcement techniques. This dissertation will address all three of these related topics individually, and seek to explain how they are all quite pertinent to this research study.

#### *The Expansion of Local Participation in Land Use Decisions in the West*

The collaborative enforcement effort employed in the Walla Walla River Basin demonstrated to the WDFW that the citizens of Washington state likely prefer to be invited to become part of the problem-solving process regarding natural resource disputes rather than being “threatened” into compliance by public agencies armed with science and the legal authority to enforce their rules, regulations, and policies. The WDFW has to contend with the frustration of local land owners who have the perception that their rights have been abused in the past by governmental agencies dictating to them what the land owners could and could not do with their private property. The desire of local interests to be involved in the decisions that affect their land and water, however, is scarcely a new idea. The thought was first proffered by John Wesley Powell over 100 years ago, and his persistent advice was largely ignored by Congressional leaders of his time (Stegner, 1962; Hess, Jr., 1997). Progressive Era planners, obsessed with the idea of the need for the conservation of the nation’s natural resources, deemed Powell’s plans to

involve citizens in the West in the development of policy processes as highly “irrational,” and in reflection of this viewpoint the federal government dominated land and water planning throughout the American West for decades (Terrell, 1969; deBuys, 2001).

Only in recent decades have these “progressive” ideas come under intense scrutiny, helped in part by the Sagebrush Rebellion and the Wise Use Movement (WUM) (Cawley, 1993; Helvarg, 1994; Hanson, 1995). Land owners throughout the West have seized upon some of the ideas of the WUM to become more active in planning the management of local public lands and private agricultural and ranching operations. The WDFW has had to deal with the often-damaged relationships of local farmers and ranchers who have had their access to public lands altered and their land and water rights “trampled on” by the state and federal government in the past (Gottlieb, 1989; Hanson, 1995).

#### *The Continued Growth of Collaboration*

The leadership of the WDFW came to believe that the use of collaboration in the CCRP produced better results for all interested parties, particularly when compared to the “heavy-handed” enforcement tactics employed in the Methow Valley. Ever since the advent of the “environmental decade” in the 1970s, the use of collaboration to resolve natural resource disputes has been steadily on the rise in the United States (Bingham, 1986; Burgess and Burgess, 1995; Ruckelshaus, 2005). In contrast to tough-fought victories won in lawsuits and favorable court judgments, many proponents of environmental protection have recognized that a resolution that is conferred upon and found acceptable to all parties is likely to produce long-term benefits for all the interested stakeholders (Fisher, Ury, and Patton, 1991; Kagan, 2001).

In the Methow Valley both NOAA and WDFW officials did a rather poor job of stimulating local participation, and ultimately they chose to rely primarily on adversarial

enforcement methods to gain compliance with the ESA in the watershed. As illustrated above, however, this high rate of compliance came at a very steep price of lost community trust and respect. In the Walla Walla case, Captain Bireley and the WDFW actively sought the contributions of local interests and persevered through the difficult collaboration process to address the primary concerns of all major stakeholders.

The WDFW, however, would be wise to be mindful of the intricacies and predictable uncertainties of the collaborative process. Since each collaborative venture involves a different set of actors, no two collaborative undertakings will be exactly the same. Different strategies, rewards, and sanctions will have to be devised before and during every collaborative endeavor. The WDFW and its law enforcement officers will have to be certain to avoid adopting a “one size fits all” collaborative strategy when addressing unique natural resource problems.

#### *Similarities to Community-Oriented Policing*

Change in the “compliance paradigm” away from a primary dependence on enforcement of rules to a preference for attempting a collaborative process raises the potential for numerous internal difficulties for the WDFW. Many American police departments have experienced the tribulations resulting from agency redirection from traditional enforcement tactics to collaborative techniques over the past 20 years (Angell, 1971; Grinc, 1994; Rosenbaum and Lurigio, 1994). The methods and goals of collaboration being featured in the WDFW training sessions are quite similar to the contemporary law enforcement practice of community-oriented policing (COP) (Goldstein, 1979; Goldstein, 1987).

The use of COP began in the early 1980s as many law enforcement agencies began to shift away from the “professional model” of policing, which had featured aloof officers mainly concerned with solving crimes that had already been committed (Wilson and Kelling, 1982; Vila

and Morris, 1999). Although there is no one accurate operational definition of COP, the main goal is to promote active cooperation and build partnerships between the police and citizens in the community to reduce fear of crime and promote order and maintenance (Greene and Taylor, 1988). Successful implementation of COP has been elusive in many agencies due to organizational difficulties and, more importantly, often staunch resistance from the individual line officers. The WDFW must contend with these concerns so that the new dispute resolution strategy has a fair chance of becoming institutionalized in the agency.

#### *The Use of a Grounded Theory Approach*

This research will utilize a grounded theory approach to attempt to explain the dynamics of organizational change taking place at the WDFW as seen from the viewpoint of individual law enforcement officers. Grounded theory was formalized in 1967 by Barney Glaser and Anselm Strauss as an extrapolation from previous work conducted by some social scientists in the early-to-mid 1900s. A grounded theory is inductive in character; principal insights on patterns and dynamics of behavior are drawn from primary data provided by the subjects being studied. The ultimate theory generated from this type of research is more likely to offer insight and understanding in areas where theory is in early stages of development than would be the case if research was guided by speculation derived from well established theories. Grounded theory relies on various types of qualitative analysis, including the use of constant comparisons among the participants and the development of complex yet flexible coding protocols to ensure constant conceptual refinement and theory creation throughout the course of the work (Strauss, 1987).

#### **Summary**

As noted from the outset, the WDFW has been somewhat successful in its use of collaboration to manage, and even resolve, some very difficult natural resource and

environmental disputes. The achievement of the ESA compliance goals in the Walla Walla River Basin via the CCRP has led to the adoption of collaboration as a paradigm shift initiative by the WDFW, specifically for the law enforcement division within the natural resource regulatory agency. The ultimate institutionalization of an appreciation for the inclination to make use of collaboration within the agency, however, faces several significant external and internal threats.

The remainder of this dissertation will explain in considerable detail the reasons why collaboration is being advocated by the administration of the law enforcement division of WDFW and the Director of the agency, and what implementation issues have arisen in the course of pursuing a paradigm shift in the agency. The WDFW must contend with over one hundred years of citizen anger and resentment of governmental control and management of their lands in the American West. The benefits and difficulties of collaboration will be clarified, and the case studies of the Snake River salmon recovery effort and the Applegate Partnership will be examined to better demonstrate the possible advantages of collaboration. The history of policing and historical changes in American policing practices will be described briefly to reveal the magnitude of the potential difficulties to be faced within the WDFW as it seeks to carry out a paradigm shift in the core processes and field operations of the agency. Through the use of grounded theory the thoughts, attitudes, and words of the WDFW officers will document what they see as the possible problems arising from the agency's shift towards collaboration. Finally, based in major part on the officers' suggestions, recommendations for the successful implementation of collaborative processes within the law enforcement division of WDFW will be discussed.



These recommendations will be derived from a grounded theory of applicability to the more general phenomenon of the Ruckelshaus-inspired paradigm shift taking place in natural resource and environmental agencies across the broad landscapes of federal, state, and local government in the United States at the start of the 21<sup>st</sup> century. As Ruckelshaus and Hausker observed nearly a decade ago, the future methods of natural resource and environmental protection

demand more cooperation and coordination among federal agencies, between the legislative and executive branches of government, and among the different levels of government...The adversarial atmosphere that pervades the current system must be tempered.

All of the participants in the system have roles to play: Congress; EPA and other federal agencies; state, local, and tribal governments; all members of the regulated community, large and small, private and public; nongovernmental organizations; and citizens, in their roles as workers, consumers, and participants in the civic process (Ruckelshaus and Hausker, 1997: 5).

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## CHAPTER TWO

### HISTORICAL BACKGROUND TO PACIFIC SALMON RECOVERY EFFORTS

#### Introduction

In the Methow Valley ESA law enforcement effort NOAA Fisheries and the WDFW ended up imposing federal and state laws on many resistant and resentful citizens with limited consideration for their opinions or ideas. This limited consultation with the local residents and area interests had extremely negative consequences for both NOAA Fisheries and the WDFW in terms of losing the citizens' trust and respect. Trust and respect on the part of the public are critically necessary for public agencies to operate effectively in any given geographic region. This type of governmental *strong-arm regulation* has not been exclusive to NOAA, WDFW, or isolated to Washington state. The propriety of federal government control of public lands and water policy throughout the nation has been fairly popular, especially in the West, for nearly 100 years. The outcomes of ESA enforcement actions by federal agencies on the spotted owl case<sup>1</sup> and the Klamath water distribution case,<sup>2</sup> however, have turned much of the pre-existing good will into public suspicion of agency motives and competence alike.

Beginning in the later years of the Progressive Era of the early 1900s, federal natural resource agency managers succeeded in centralizing decision-making authority concerning public land use and water planning and policy. The building of large dams and the creation of extensive impoundments in the Pacific Northwest, a development which is examined in some detail later in this chapter, will demonstrate the federal government's dominance over the Pacific

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<sup>1</sup> Dietrich, 1992; Yaffe, 1994: 115-154; Stokstad, 2005: 688-690.

<sup>2</sup> Levy, 2003: 315-320; Poff, Allan, Palmer, Hart, Richter, Arthington, Rogers, Meyer, and Stanford, 2003: 298-306; Service, 2003: 36-40.

Northwest rivers and their watersheds. Although this centralized approach to land and water policy was severely criticized by some scientists early in the process, ultimately Congress enacted laws to ensure that the federal government would retain pre-eminent authority in water resource management and public land use decision-making. Congress tightened the federal government's control over land and water policies even further during the so-called *environmental decade* of the 1970s.

The progressively strict federal reign over public lands and water resource development came to be viewed as a form of governmental tyranny by many rural residents in the American West. The Sagebrush Rebellion and the Wise Use Movement attracted many followers among local government officials and the Western populace, and the call for greater local control over water resources and public land use planning policies voiced by the leaders of these movements generated support in many rural areas in the West. Although many of the specific demands issued by these groups have remained unaddressed, the sentiments voiced by the leaders of the Sagebrush Rebellion and the Wise Use Movement were echoed in the Methow Valley ESA enforcement action. In the Methow Valley case, the citizenry grew weary of "being bullied" by the state and federal government, and ended up resisting many of the enforcement actions taken by state and federal agency personnel. The bitter feelings left by the tactics employed by NOAA Fisheries and WDFW have left long-term animosity and resentment among the citizens of the Methow Valley. If the federal government had paid greater heed to John Wesley Powell's advice issued over 120 years ago, perhaps many of today's natural resource management problems could have been somewhat minimized.

## **John Wesley Powell**

John Wesley Powell hailed from humble beginnings which greatly belied the important life and career he dedicated to his country. Powell was born in New York in 1834 and served in the Union Army during the Civil War, in which he lost his right arm in the Battle of Shiloh in 1861 (deBuys, 2001). After the Civil War, Powell left to explore the Western region of the United States and the Colorado River. He carefully studied the geography of the areas he explored and became intimately aware of the many natural resource differences between the Eastern and Western United States. He was especially interested in the geography of the semi-arid regions west of the 100<sup>th</sup> meridian (the 100<sup>th</sup> meridian almost bisects what are the current day states of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas – See Figure 2.1) (Worster, 1994). Based on charts he developed and rainfall records of the day, and factoring out the damp regions along the Pacific coast, Powell estimated that the semi-arid West received less than 20 inches of precipitation per year on the average (Worster, 1994). According to Powell, it was this initial information, not the dictates of the Homestead Act of 1862 (HA), which should have dictated the patterns of settlement for pioneers heading out West.

During his time out West Powell formulated some detailed ideas regarding the inadequacy of the HA. Under the HA, 160 acres of public land was allotted to any individual attempting to settle in the Western frontier (Worster, 2001). Unfortunately, there was insufficient rainfall for these families to grow adequate food stores; as a consequence many of the families that migrated out West returned to the East impoverished and with broken spirits. Amplifying the difficulties of life out West for the early pioneers was the crafty, and often illegal, practice of cattlemen's associations fencing off property that contained the most direct access to irrigation water (Terrell, 1969). Additionally, cattlemen, railroad owners, and timber

Figure 2.1 – Map of the United States and the 100<sup>th</sup> Meridian



(National Geographic Society, 1998).

harvesting groups organized powerful lobbies in Congress, and engaged in the exploitation of the land and water resources of the West in often shameful ways. The most productive and valuable tracts of land were being appropriated cheaply, and oftentimes illegally, by many of these groups. The 1873 Timber Act and the 1877 Desert Land Act allowed these entities to acquire Western land for mere pennies on the dollar (Terrell, 1969). While living out West, Powell was a direct witness to the monumental land grab and misuse of natural resources. He later fought against these exploitive groups and advocated for more reasonable and ecologically sensitive settlement patterns for the region.

Powell realized that the traditional homesteading philosophy of the United States would need to be revised substantially for effective and sustainable Western expansion. While residing in the West he also studied the land development patterns of the region's American Indians and the Spanish colonies of the New World (located in portions of what are current-day states of New Mexico and Texas) (Hess, Jr, 1997). Powell adopted the idea that the families settling in the West should be given only 80 acres of land as part of a "commonwealth," with eight or nine other families living in relatively close proximity. These families would work together to form their own irrigation districts and create their own shared water rights and rules for equal access to water (Hess, Jr, 1997). Powell believed that since everyone shared space on the earth, each person should receive their bounty of its natural resources (Worster, 2001).

During the 1870s and 1880s Powell became a very well-known geologist and ethnographer. In 1878 he published the *Report on the Lands of the Arid Region of the United States*, a 200-page document which contained his unusual proposal for the new pattern of settlement in the lands west of the 100<sup>th</sup> meridian. Unfortunately, the powerful interest groups ensconced in Washington, D.C., whose interests were seriously threatened by Powell's research and innovative ideas, tried mightily to discredit his scientific observations and raise questions about his public policy proposals. Despite the best efforts of the cattlemen, timber harvesters, and railroad interests, in 1881 Powell was appointed head of the United States Geologic Survey (USGS) and he was later appointed to head up the Bureau of Ethnography.

As head of the USGS, Powell continued to advocate for his "commonwealth" settlement concepts and his cooperative irrigation strategy. He propagated the then-unconventional idea that society's relationship with the earth did not follow the arbitrary political boundaries created by humans (Stegner, 1962: 269-293). He argued that the dimensions of nature are highly

interrelated, extremely complex in their dynamics, and not easily managed by humans. Powell used European studies of the watershed destruction that followed deforestation in Germany and England as cautionary tales with respect to the development of the American West. In 1888, Powell was commissioned by Congress to conduct an irrigation survey for the Western United States (Stegner, 1962: 301-320). With the eventual completion of the irrigation survey in question, he was finally able to rely on official charts, tables, and accurate maps to bolster his cooperative irrigation districts and commonwealth settlement ideas.

According to Powell, the established “first-in-time, first-in-right” delineation of water rights was highly counterproductive and ensured that the most marginal growing land would receive the majority of irrigable water (Worster, 1985: 132-143). One crucial problem that needed to be rectified to make settlement out West feasible was the proper method for appropriating water rights. Each Western state created its own system of water rights, then frequently revised the laws in question, and often summarily violated some of the new legislation. Powell wanted each watershed to operate and to be managed as a distinct unit rather than being subjected to the process of state-directed allocation of water. Powell believed that each watershed should make its own laws, regulations, irrigation systems, and invest its own capital. Every watershed would become a commonwealth, and depend on the principles of democracy, localism, and self-reliance to assure the proper functioning of the water use system. Irrigation districts would also manage forests and grazing lands in a similar fashion; Powell recognized early on that forest and grazing lands affected water quantity and quality, an idea which was quite a revolutionary (and even heretical) thought in the 1880s (deBuys, 2001: 245-254). At that time it was not the responsibility of the federal government to build dams, construct canals, or to decide who should graze or log on the public lands. Powell was staunchly

opposed to the centralization of authority over natural resources, and believed strongly that the capability of the federal government to become the main entity in control of decision-making would create a breeding ground for corruption in the management of Western lands.

Although Powell was opposed to centralized dam building, he did endorse the idea of erecting small dams virtually everywhere throughout the American West (Worster, 2001).

[Powell] sketched a future in which dams plugged every rivulet, capturing their energy for hydropower and their water for urban supplies and rural irrigation. Masonry dams, earthen dams, thousands and thousands of every kind of dam would [create]... a new hydraulic civilization (Worster, 2001: 488).

He thought the small impoundments formed by the dams could create multi-purpose rivers which would generate hydropower, control floods, and provide irrigation water for farmers; these were rather novel ideas in the United States in the 1880s. Congress, however, was extremely wary of Powell's ideas, and many Washington, D.C. officials openly attacked his proposals and characterized his science as seriously flawed. To add to his difficulties, in 1889 a dam in Johnstown, Pennsylvania – due to seriously inadequate design – burst and over 2,200 people in the immediate vicinity perished in the resulting floodwaters (deBuys, 2001).

Eventually, Powell's plans for Western agricultural irrigation and population settlement were entirely dashed by dogged opposition in Congress and by the rising strength of the Conservation Movement. As will be discussed later, the eventual development of the American West ran contrary to Powell's recommended strategy (Stegner, 1962: 328-350). Powell was largely unappreciated in his own time, and he was even thought of by many as a crackpot right up until his death in 1902. Powell's numerous supporters, however, believe that Powell was

ultimately redeemed during the 1930's Dust Bowl, arguing that this event clearly demonstrated the consequences of the serious mismanagement of Western lands by federal government water resource and land use policies and practices (Worster, 1994).

### **The Conservation Movement**

As the 20<sup>th</sup> century dawned in the United States, a new way of thinking about the nation's natural resources began to take hold in the country and in many of the agencies of the federal government. Leaders such as Theodore Roosevelt, Gifford Pinchot, and Francis Newlands proffered the idea that the United States should conserve its natural resources so that the present generation of citizens could reap the benefits of nature in such a way that future generations would also be able to do the same (Hays, 1959). Conservationists relied on the Progressive Era dogma prevailing at the time and rallied around the use of "objective" science and rational planning for the promotion of the most efficient use of the nation's natural resources (Mitchell, 1981; Dombeck, Wood, and Williams, 2003; LaChapelle, McCool, and Patterson, 2003). According to the leading figures of the Progressive Era, nature could be effectively managed and successfully tamed through the use of science for the benefit of all humans (Worster, 1985: 156-188).

In terms of water resource policy, the Conservation Movement largely echoed Powell's old belief in the value of multi-purpose rivers. Until the early 1900s, the United States Army Corps of Engineers (ACOE) had always been given priority in planning and policy making on all navigable rivers since the agency's inception in 1802 (Kerwin, 1926). The ACOE's primary concern has always been focused on enhancing transportation on all the nation's navigable waterways.



The nations' population expansion clearly required some significant modification to the ACOE's river management policy in order to alleviate irrigation problems faced by Western pioneers. Because of the lack of consistent rainfall and the high rates of failed farms, Congressman Francis G. Newlands sought federal aid to build dams to increase irrigation water in his native Nevada. The Newlands-sponsored Reclamation Act was enacted into law in 1902, and that federal statute the United State government retained ownership and maintenance rights concerning federally-sponsored dams, reservoirs, and primary diversion ditches throughout the United States (Frederick, 1991).

Even though Powell spoke out against federal governmental control of large dams, the Reclamation Act gave the federal government sole control of any dam facility built with federal monies. Accordingly, in the early 1900s farmers owning water rights were at the mercy of the federal government, and during conflicts over water the federal government on a number of occasions shut off the water to farms in many areas of the West (Hays, 1959: 5-26). Another problem with the centralized dam building campaign was the disconnect between the economic ambitions of the projects and the actual numbers of people who would benefit from the dams (Worster, 1985). Hundreds of millions of dollars were spent building the dams, but the giant concrete behemoths failed to attract as many people to the semi-arid West as was anticipated. Adding to the new Conservation Era dam building and water policy dilemma was the fact that President Roosevelt and his allies supported programs that ensured that only individuals with the necessary scientific background would manage national water policy irrespective of any local knowledge.

### *Theodore Roosevelt*

President Theodore Roosevelt governed under the auspices of being a trust-buster and being committed to looking out for the common good of all Americans against private self-interest (Roosevelt, 1920). Rational planning should, therefore, direct natural resource development. According to President Roosevelt, federal water policy should be guided and determined by technically trained scientists, not established by local parties who would be inclined to exploit the resource for their own gains. There was great concern by leaders in the federal government that local interests could not be trusted to manage their natural resources effectively because they did not have the proper education, experience, or skills (Dana and Fairfax, 1980).

The main focus of Roosevelt's water policy was agricultural irrigation and river navigation, with very little attention being paid to the production of hydroelectricity. Congress initially viewed the idea of hydroelectric power as an enterprise to be set aside for private companies. Congress was especially hesitant to permit hydroelectric dam construction on navigable waters where the ideas of the ACOE reigned supreme (Dana and Fairfax, 1980). In 1906, Congress enacted the General Dam Act (GDA), a federal statute which limited the ability of the federal government to install dams on passable waters (Kerwin, 1926). Theodore Roosevelt and his Conservationist allies, however, still believed that the nation's rivers were being mismanaged and underutilized. A very prolonged battle was taking shape between Congress and the Roosevelt administration regarding the appropriate use of the nation's rivers.

Conservation leaders wanted to harness "wasted" floodwaters in the name of efficiency. Rivers that eventually flowed to the ocean were seen as "wasteful" because Americans were not benefiting from all of the river water. "Wasted" water could be utilized to produce electricity,

aid navigation, irrigate fields, or be used to expand industry operations (Hays, 1959: 5-26). Furthermore, it was argued that the national government should manage these water projects because dams could create problems between two or more states; ultimately the federal government would be called upon to resolve such dilemmas. President Roosevelt relied on four key actors to help promote the multi-purpose river idea in Congress.

### *WJ McGee*

Those involved in the inner circle of the Conservation Movement knew that the central figure behind the entire operation was WJ McGee (Pinchot, 1947). McGee was a self-taught geologist and anthropologist, and he was the principal organizer of the National Geographic Society and the Geological Society of America (Smith, 1966). McGee was a former pupil of Powell's in the USGS, but he differed from his mentor over many key aspects regarding the role of the federal government in the regulation of water resource policy. He also developed the national policy of the Conservation Movement and argued that natural resources should serve "the greatest good of the greatest number, for the longest time" (Pinchot, 1947: 41).

### *Frederick H. Newell*

McGee had a principal associate within the USGS, also a former disciple of John Wesley Powell, who was instrumental in advancing the Conservation ideal of multi-purpose rivers. Frederick H. Newell helped Nevada Representative, and future U.S. Senator, Francis Newlands in passing the 1902 Reclamation Act and was the first director of the Reclamation Service in 1907 before it was renamed the Bureau of Reclamation in 1923 (Newell, 1909). Newell advocated for federal control of Western waters to ensure they would be used properly in developing the national economy. Newell drew the ire of many farmers in the West who tended to view federal control of irrigation water as a serious economic hindrance (Smith, 1966).

### *Gifford Pinchot*

Gifford Pinchot had also allied himself with Newell and Senator Newlands. Unlike Newlands and Newell, however, Pinchot was a well-trained scientist. As with Powell, he saw the fate of water resources and forests as being highly intertwined (Hays, 1959: 35-48). Over-harvesting timber often led to soil erosion, increased stream runoff, a decrease in groundwater regeneration, and sometimes led to dramatic floods. Pinchot also advocated for the systematic protection of grazing land, but as the head of the Bureau of Forestry within the Department of Agriculture Gifford Pinchot ultimately faced monumental challenges in altering established grazing practices on public lands in the West (Hays, 1959: 57-60).

### *Inland Waterways Commission*

Even though President Theodore Roosevelt created many key alliances in the promotion of the multi-purpose river philosophy, he made relatively little progress toward the implementation of the idea in the early years of his administration. In order to promote the strategy more effectively he worked with Congress to establish the Inland Waterways Commission (IWC) in 1907 (Hays, 1959). Theodore Roosevelt stacked the IWC with a number of sympathizers, such as Gifford Pinchot, Frederick Newell, and Francis Newlands. The multi-purpose river idea advocated by President Roosevelt and the IWC had a number of critics, most notably the ACOE. According to the ACOE, the goal of river navigation enhancement should not be subordinated to any other river use. “[The ACOE] referred to water power, irrigation, and drainage as secondary to navigation; it did not propose studies or plans for the development of all possible uses of [river] water” (Hays, 1959: 8). In an attempt to sidestep the ACOE, Senator Newlands worked toward the passage of a bill that would have given the IWC broad authority

over the nation's waterways. Despite his best efforts, however, the ACOE effectively lobbied against the bill and defeated it on the floor of Congress in 1908 (Hays, 1959).

One minor victory achieved by Conservationists in this area of surface water management was the passage of Weeks Law in 1911. Weeks Law stipulated that the federal government should acquire land for the purpose of conserving navigable streams and providing for the protection of watersheds (Clepper, 1966). Ultimately, the IWC was able to do very little to create multi-purpose rivers in the early 1900s. The battle over the IWC and the fate of the nation's rivers only intensified when the conservative Republican William Howard Taft assumed the United States Presidency in 1909.

#### *William Howard Taft and Beyond*

The coming to power of the Taft administration severely hampered nearly every multi-purpose river goal of the IWC and the Conservationist Movement. Taft, a former Secretary of War for the Army, felt that Theodore Roosevelt had greatly overreached his authority in bringing about the formation of the IWC (Hays, 1959: 147-165). Taft adopted many of the ACOE's positions concerning the nation's rivers, and "attacked the theory that forests retarded run-off, or that engineers could devise an economical reservoir system" (Hays, 1959: 108-109). Furthermore, Taft argued that it would be more prudent for the nation to adopt a complex system of levees to regulate floods. He favored the outright abandonment of the notion of multi-purpose rivers. After Taft's single-term administration, the battle for multi-purpose rivers took a backseat during most of Woodrow Wilson's presidency. America's involvement in World War I and other pressing concerns superceded the idea of multi-purpose river management in the United States.

After a 13-year period of advocacy, a compromise was finally reached among the interests represented in Congress regarding multi-purpose rivers; the agreement was embodied in the Water Power Act (WPA) signed into law in 1920 (Hays, 1959: 116-120). Under the WPA, the federal government stipulated that navigable rivers could be utilized for power generation and navigation only, and that navigable rivers were not to be modified for the purpose of providing either irrigation water or flood control. Although many Conservationists were displeased by the specific exclusion of irrigation and flood prevention from the permissible goals for river management, they also believed the WPA constituted an important first-step precedent towards the eventual creation of true multi-purpose rivers.

By 1920 the role of the federal government as the sole regulators on major waterways throughout the nation was firmly entrenched in federal law. The opinions of local authorities around the country were largely ignored during this time, in part because they did not possess the scientific credibility to challenge the federal policies and programs affecting them. Also, as previously mentioned, the federal government wanted to retain sole decision-making ability to avoid any potential bickering between states over water rights and water resource management. This centralization of authority eventually led to the creation of a large number of dams throughout the nation, most specifically in the Pacific Northwest. Many of these dams have ended up causing permanent environmental degradation and have become a lightning rod for political controversy today.

### **The Construction of Six Large Federal Dams in the Pacific Northwest**

Throughout the 1920s support for the modification of federal water resource policy towards the acceptance of the multi-purpose river concept continued to build. In 1925, the ACOE and the Federal Power Commission (FPC) worked together with Congressional staff to

examine the nation's navigable waterways and generate plans to develop those rivers to accommodate the multiple goals of irrigation, flood control, and the generation of hydroelectricity (Kerwin, 1926). In 1927, the ACOE and FPC released their findings in a document titled the "308 Reports" (Black, 1987). The 308 Reports included a recommendation to construct ten navigation and hydroelectric generation dams on the Columbia and Snake Rivers (McKinley, 1952). Much of the excitement and funding for the great Pacific Northwest dams disappeared, however, when the country sank into the Great Depression after the stock market crash of 1929. Hope for the series of dams, however, was revived when Franklin Delano Roosevelt (FDR) assumed the United States Presidency in 1933.

#### *FDR and Federal Dam Policy*

While serving as the Governor of New York state, FDR had shown his strong affinity for hydroelectric and irrigation dams, and he promised to erect such dams in the American West if he won the presidency (Leuchtenburg, 1963: 4-5). Ironically, the Great Depression offered the opportunity for FDR to structure federal employment legislation around his desire to construct a network of hydroelectric dams in the Pacific Northwest. With the United States mired in the Great Depression, FDR sought to employ many of the country's downtrodden workers while improving the citizens' quality of life; building great dams created the opportunity to achieve both goals in the process of getting the nation back on its collective feet.

In 1933, the enactment of the National Industrial Recovery Act (NIRA), the Civilian Conservation Corps (CCC), the Tennessee Valley Authority Act, and the authorization of the Public Works Act (PWA) under Title Two of the NIRA all helped FDR generate the capital and workforce needed to erect a series of major dams in the Pacific Northwest (Frederick, 1991). Portions of the NIRA and the PWA gave FDR the authority to select "emergency" projects that

would aid the country in its economic recovery efforts (Leuchtenburg, 1963; Reisner, 1986). Since FDR had a method to raise the money needed, and a ready supply of workers necessary for the construction of dams, his only remaining obstacle to building the dams would be gaining Congressional approval for a specific plan featuring the location and sequencing of facilities.

### *The Fight for Grand Coulee Dam*

The onset of the Great Depression had the effect of shuffling the federal government's priorities for constructing the series of dams called for in the Pacific Northwest. Instead of delaying the proposed projects listed in the 308 Reports, FDR wanted to employ millions of jobless Americans immediately on the task of enhancing the nation's industrial and commercial infrastructure. The limited federal funds made available under FDR's New Deal plans created rather intense competition between Washington and Oregon because both states wanted to construct a large multi-purpose dam along the Columbia River in their respective states (Leuchtenburg, 1963). It was widely assumed, however, that the federal government would only allocate sufficient funds for one dam out West (Bonneville Power Administration, 1981). While Senator Clarence Dill of Washington was lobbying for federal funds to construct the Grand Coulee Dam, Oregon Senator Charles McNary and Oregon Representative Charles Martin were pressuring the FDR administration to appropriate federal money to build Bonneville Dam (Willingham, 1987).

Even before FDR's administration, the ACOE had given the agency's approval for the construction of a major dam at the Grand Coulee site (Reisner, 1986). The ACOE, however, wanted to build a low dam for the express purpose of promoting more effective navigation on the Columbia River; the ACOE did not favor building a high dam that could be managed for irrigation and hydroelectric purposes as well. The preceding Hoover administration, already



committed to the Hoover Dam on the Colorado River, and in the midst of great financial troubles, listed the Grand Coulee Dam as a future project (Pitzer, 1994).

FDR changed the focus for Grand Coulee Dam and wanted the Bureau of Reclamation (BOR) to build a high dam at the site because his administration was deeply interested in providing irrigation water and hydroelectricity for the expansion of the regional economy. While the BOR was busy scouting the Grand Coulee site, the ACOE was investigating the Bonneville location on the lower Columbia River. FDR ultimately approved the Grand Coulee site and preliminary construction plans, and a ground breaking ceremony was held while some of the beginning engineering work on the site was being conducted. FDR held back the appropriation of federal monies for the construction of the Grand Coulee Dam because he wanted the State of Washington to front some of the preliminary engineering costs (Irish, 2000: 114-120).

While Senator Dill was scrambling to obtain state and federal funding for the construction of Grand Coulee Dam, the Bonneville Dam became a completely federally-funded project under the NIRA (Fisher, 1987). Since the Bonneville Dam had been authorized by FDR, there was the distinct possibility that there would not be sufficient funds to build the Grand Coulee Dam. Oregon Representative Martin argued that since the Bonneville Dam had been approved, the Grand Coulee Dam would not be needed to produce extra electricity (Irish, 2000). Even worse, the PWA was considering scrapping the Grand Coulee Dam project because of the concern that the electricity it produced would be completely unnecessary. Senator Dill raced to meet with FDR to gain his reassurance that the Grand Coulee Dam would also be built. FDR calmed Senator Dill's fears and informed him that the federal government had big plans for promoting the economic development of the entire Columbia River Basin (Irish, 2000). The administration of FDR was not content with building only one dam on the Columbia River, and

was beginning construction on the Bonneville Dam concurrently with the Grand Coulee Dam and making plans for yet further multi-purpose rivers in the Pacific Northwest.

*Concerns about the Building of Grand Coulee Dam*

Not everyone, however, was excited at the possibility of the construction of Grand Coulee Dam. Numerous local fishing interests and American Indian tribes were concerned about the impacts the dams would have on salmon populations. By the 1930s, many flood control dams on the east coast of the United States had already decimated Atlantic salmon species (National Research Council, 2002). Interest groups that benefited from the plentiful salmon in the region were deeply troubled at the prospect of dams damaging precious salmon runs. These few questioning voices, however, were easily drowned out by the din of potential “progress” in an era of “hard times” being suffered by the entire nation.

It should be recalled that FDR ran on a platform to bust the monopoly of private power energy suppliers; understandably these private companies and their shareholders were also not pleased to see the federal government creating energy giants (Irish, 2000). Lower prices and fierce competition could decrease profits and force the closure of many of these private companies. In addition, some critics argued that most of the electricity produced by Grand Coulee Dam would remain unused well into the 21<sup>st</sup> century (Sundborg, 1954). Many residents on the east coast of the United States believed that valuable tax dollars were going to be spent on an extravagant hydroelectric dam where relatively few Americans lived. Ultimately, these objections were ignored by FDR and his desire to build Grand Coulee Dam was fulfilled; \$63 million was allocated for the construction of the dam in 1933 (Reisner, 1986). Interestingly, the sum of \$63 million was nowhere near sufficient for the construction of a high dam that suited

FDR's water resource management philosophies, so originally only a low dam was to be constructed at the site.

When major construction of the Grand Coulee Dam began in 1933, the foundation being laid was for a high, multi-purpose dam. Shortly after the first phases of construction were complete, it was clear to the BOR that the allotted \$63 million was going to be grossly insufficient for building a high dam at that site. Luckily, in 1935 Congress passed a \$4 billion relief bill to be used by the federal government to further ease the pains of the Great Depression (Sundborg, 1954). The BOR asked for and received some of the 1935 aid package, and was able to finish the Grand Coulee Dam in part because of the vast army of unemployed workers available for the construction of the high dam complex.

Many historians have speculated that FDR originally wanted a high dam at the Grand Coulee site, but he knew he would not have the Congressional support necessary to obtain the full funding required (Reisner, 1986). The commonly held theory posits that FDR purposefully instructed the BOR to build a high dam foundation, knowing that the \$63 million was going to be inadequate to complete such a dam and would require the agency to ask Congress for more money at a later date. The approval for the construction of the Bonneville Dam received very little attention and faced virtually no opposition as compared to the development of Grand Coulee Dam.

### *Bonneville Dam*

The 308 Report called for the construction of ten dams along the Columbia and Snake Rivers (McKinley, 1952). The series of reports listed the Bonneville Dam as the first of the ten dams, and the Grand Coulee Dam was scheduled to be the last dam to be erected on the Columbia River (Fisher, 1991). The Bonneville Dam was originally slated to be built at the

Warrendale site, which is located a few miles downstream of the eventual Bonneville site. There were, however, serious concerns about the suitability of the soils at the original Warrendale site. Years of complex geologic history had left sections of the Columbia River gorge with unconsolidated sand and gravel; these are soils which are inappropriate for the anchoring of a dam (Willingham, 1987). FDR was unwilling to allocate millions of dollars for the construction of the dam until a feasible location could be established. Armed with the news from FDR and the 308 Reports, Senator McNary and Representative Martin relocated the proposed site to Bonneville and the sum of \$20 million was allotted for construction of the Bonneville Dam (Willingham, 1987).

The location of the Bonneville Dam produced many benefits to the surrounding region and, indirectly, the nation as a whole. Besides the hydroelectricity produced by the Bonneville Dam, the slackwater behind the dam flooded the dangerous seven-mile Cascade Rapids (Willingham, 1987). These rapids had wreaked havoc on Columbia River navigation for as long as humans had been using the river for that purpose. The rapids were so treacherous that in the early 1800s explorers Meriwether Lewis and William Clark had to delay their return trip home to Missouri, and were forced to carry their equipment and canoes around the falls (Ronda, 2002). Construction costs at the Bonneville site greatly exceeded the appropriated \$20 million, and by the time the dam was finally completed in 1945 its total cost was a bit over \$75 million (Willingham, 1987). As it turns out, the timing of the construction of the Grand Coulee and Bonneville Dams was extremely fortunate. The United States came to rely heavily on the electricity-producing capacity of the Pacific Northwest to mass produce military aircraft used in World War II.

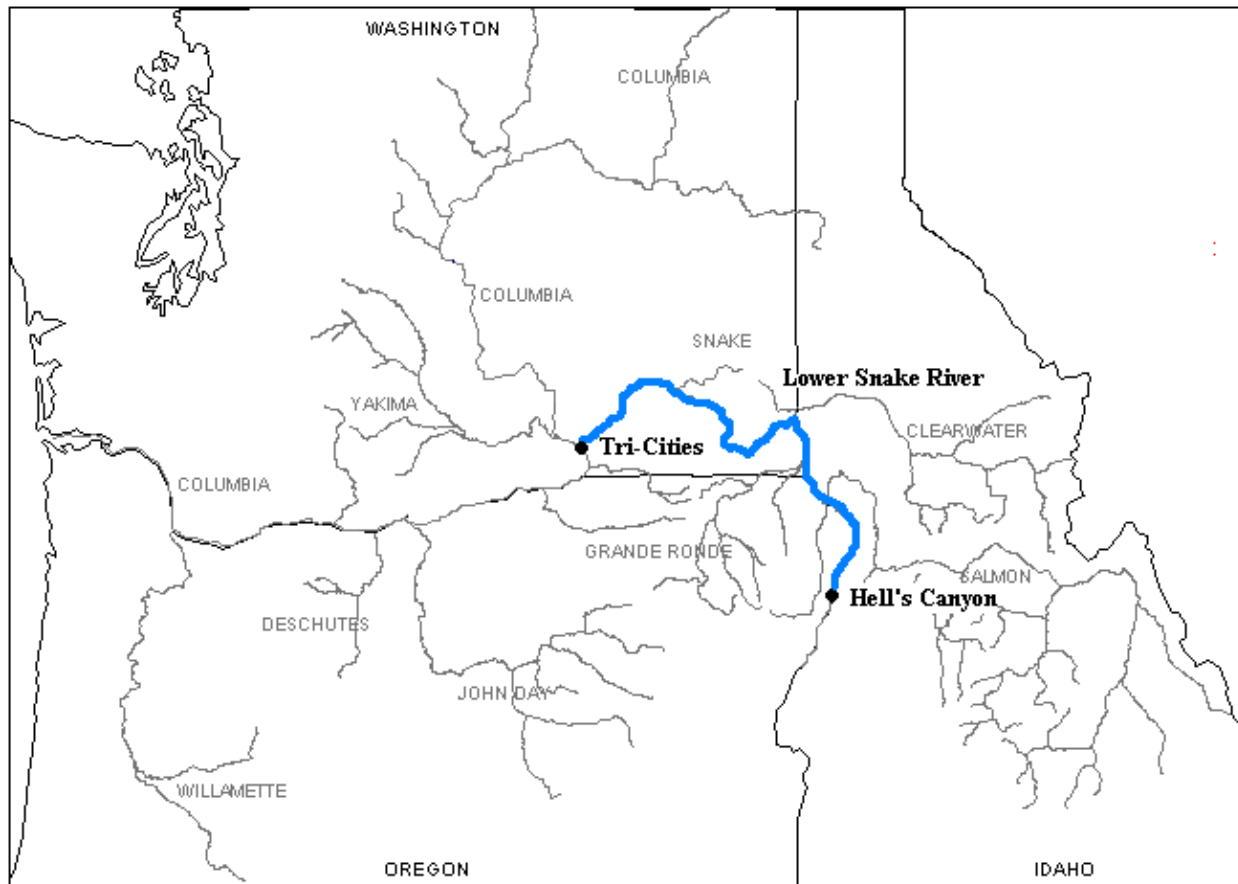
By the end of WWII, virtually all of the nation's aluminum was being produced in the Columbia River Basin. Hydroelectricity from the Pacific Northwest created the opportunity for aircraft manufacturers to produce over 60,000 military aircraft in four years (Reisner, 1986). Also, it may never be fully known how instrumental the hydroelectricity from the Bonneville and Grand Coulee Dams was in helping the Hanford Reservation in their important part of the Manhattan Project which ultimately led to the production of the atomic bomb dropped on Nagasaki at the close of WWII. The opponents of the two great Columbia River dams who predicted a glut of unused hydroelectricity were resoundingly proven incorrect. In fact, industries in the region were clamoring for more power-producing dams along the lower section of the Snake River (Reisner, 1986). The profitability of hydroelectricity ultimately led Congress to allocate additional public funds to create more power-generating dams in the Pacific Northwest. During the 1940s, the role of the federal government as sole regulator regarding water resource management and dam construction and operation only became more ingrained.

### **The Snake River Dams**

In 1944, Congress utilized a section of the 1924 River and Harbor Act and the Flood Control Act of 1944 to initiate the lower Snake River development project; the main provision of the project called for the construction of a series of dams (Dietrich, 1995; Petersen, 1995). There was some initial confusion associated with the project, however, because the ACOE was not instructed as to how many dams it was supposed to build along the Snake River. Congress dodged the politically sticky question and simply authorized the ACOE to construct as many dams as were necessary to make the entire lower Snake River a navigable waterway (the lower Snake River can be identified as the stretch of river from just north of Hells Canyon, Idaho to its

convergence with the Columbia River near the present-day Tri-Cities, Washington – See Figure 2.2) (Petersen, 1995).

Figure 2.2 – A Map of the Lower Snake River



(Columbia Basin Research, 2005).

Even though Congress had authorized the ACOE to construct the dams, there would be considerable local and national opposition to the proposal for quite some time.

#### *The Battle for Four Lower Snake River Dams*

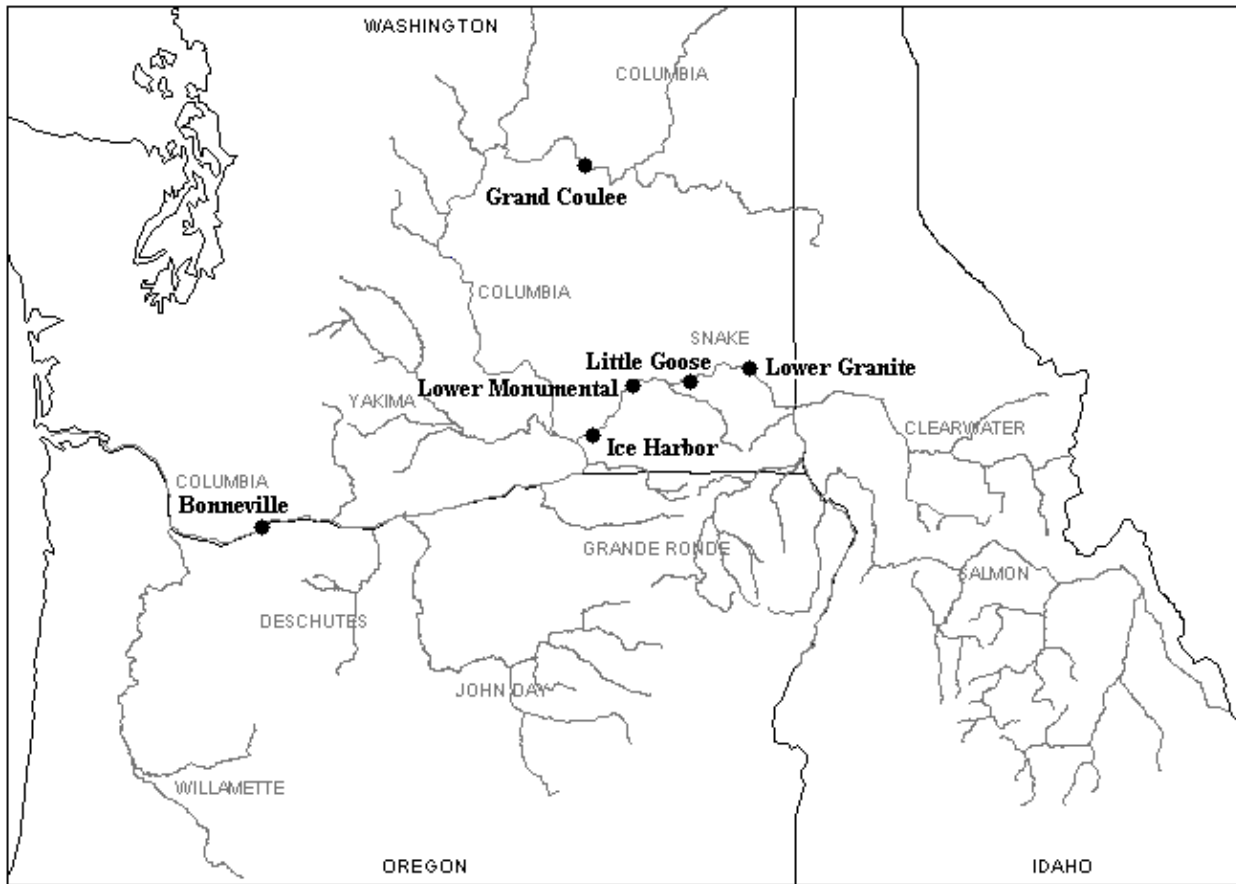
The controversy regarding the erection of the Grand Coulee and Bonneville Dams was rather tame compared to the disagreements concerning the proposed lower Snake River Dams. Although there were longstanding fears voiced by biologists and fishery interests as to the adverse impact of the dams on salmon runs, these doubts had never taken the center stage of the

debate. In fact, during the early 1940s the anxiety expressed towards the dams' effects on the Columbia River salmon had somewhat subsided as the numbers of fish returning to spawn were seen as quite adequate (Netboy, 1958).

In 1946, however, fish interests and scientists studying the area expressed concern with respect to the lack of environmental regulations associated with the operation of the Snake River dams. This debate escalated in 1947 when the Department of Interior (DOI), under advice of Washington state fish biologists, recommended a ten-year moratorium on dam construction on the lower Columbia and Snake Rivers to study the effects of dams on anadromous fish migration (Grossman, 2002). Local groups and opponents of the Snake River dams wanted Congress to build hydroelectric dams above the Grand Coulee site where salmon runs had already been eliminated. The fish biologists were concerned that erecting more dams on the lower Snake River might virtually eliminate anadromous fish runs in Idaho. The Inland Empire Water Association and the Columbia Basin Interagency Committee, both prominent interests favoring more dams, opposed the moratorium and their political influence helped to eliminate the proposed DOI dam freeze.

Many members of Congress did not want to “waste” the river water, so in 1945 Congress approved the four lower Snake River dam sites: Ice Harbor, Lower Monumental, Little Goose, and Lower Granite (See Figure 2.3) (Preston, 1970). At this point in time scientists were beginning to understand the problem of nitrogen supersaturation for fish population survival; however, the ACOE, the agency in charge of building the proposed dams, did not publicly acknowledge the increased nitrogen levels as a threat to salmon until the late 1960s (Preston, 1970). By constructing all four dams, it was projected that Lewiston, Idaho would achieve the status of a seaport with access to the Pacific Ocean.

Figure 2.3 – A Map of the Six Important Federal Dams in Washington State



(Columbia Basin Research, 2005).

### *Ice Harbor Dam*

Beginning in 1948 an intense, seven-year battle ensued between anti-dam interests and dam supporters in Congress concerning the funding for Ice Harbor, the first dam to be raised on the lower Snake River (Dietrich, 1995: 201-203). Through the duration of Harry Truman's Presidential administration dam funding was appropriated by Congress, then summarily slashed by the Executive branch. Finally, in 1955 funding was appropriated by Congress and approved by the President and in 1957 the first batch of concrete was laid (Petersen, 1995). The reservoir behind the dam slowly filled in November 1961, and by December hydroelectric energy was being produced at the Ice Harbor site.



### *Lower Monumental and Little Goose Dams*

The controversy around the four proposed lower Snake River Dams began to increase during the planning and construction of the Lower Monumental Dam and the Little Goose Dam. The Lower Monumental Dam began producing electricity in 1969 and Little Goose, built 30 miles upriver of Lower Monumental, went into energy production in 1970 (Palmer, 1991; Dietrich, 1995). During the engineering and planning phases of these two dams, the topic of salmon passage was not a particularly serious concern for the ACOE. Any consideration for fish migration was largely an afterthought, and clearly subordinate to other matters. In point of fact, the Lower Goose Dam had been originally designed with two 16-foot fish ladders. Because a more sophisticated powerhouse system was needed at the site, however, ultimately only one 20-foot fish ladder was installed (Preston, 1975).

The pro-construction research conducted by the ACOE demonstrated that the dams presented nearly no noteworthy for migrating salmon. As Little Goose Dam was being erected, however, a series of well-crafted scientific studies finally convinced the ACOE that nitrogen supersaturation was indeed a serious problem for juvenile salmon. To correct the matter, the ACOE devised a series of “holey gates” which allowed the water to pass through the dam, but did not increase the nitrogen load in the water during laboratory studies (Preston, 1975). Unfortunately, after the “holey gates” were implemented in Little Goose Dam the ACOE had to admit that their mitigation effort failed to reduce nitrogen levels in the Snake River. While the three dams were beneficial to the region in regards to hydroelectricity, irrigation, flood protection, and navigation, the slackwater behind these dams was still not long enough to reach to Lewiston, Idaho to make it into the seaport long hoped for by the State of Idaho.

### *Lower Granite Dam*

As previously mentioned, Lower Granite was the last of the originally proposed lower Snake River dams to be constructed. It was hoped that the impoundment created by this dam would produce enough slackwater for the city of Lewiston, Idaho, located 738 feet above sea level and 465 miles east of the Pacific Ocean, to have a deepwater seaport (Palmer, 1991). This would represent the most inland seaport on the west coast of the United States. The proposal for the construction of the Lower Granite Dam came amid the turmoil of the early 1970's environmental movement, and coincided with dismal salmon returns on the Snake and Columbia Rivers (Dietrich, 1995: 348). A number of local groups, and numerous state and federal agencies – ranging from the Association of Northwest Steelheaders, Trout Unlimited, the Sierra Club, and the NMFS – filed a joint lawsuit in 1970 seeking to prevent construction of the Lower Granite Dam.

These groups cited the fact that the Snake River Dam project had been authorized way back in 1944, and that the authors of that legislation had not carefully analyzed the potential ecological problems associated with dam construction in the area. Research conducted by the NMFS and the University of Idaho illustrated that between 1969 and 1970 two and a half million pounds, or 85 percent of Snake River Chinook salmon juveniles, had been killed due to nitrogen supersaturation (Tussing, 1971). Even the Washington State Game Department (WDFW did not combine the Fish and Game Departments until 1994) studies indicated that 75 percent of returning salmon could not successfully navigate all of the Columbia and Snake River Dams (Tussing, 1971). Ultimately, the oppositional local interest groups, conservation organizations, and associated government agencies lost their lawsuit, and by April 1975 the Lower Granite Dam had begun to produce electricity. Later in June of 1975 the city of Lewiston, Idaho

officially became a seaport (Petersen, 1995). There was still, however, one last planned dam on the Snake River to be built in Asotin, Washington.

### *Asotin Dam*

When the ACOE presented their 308 Reports to Congress, one of the ten proposed dams on the Columbia and Snake Rivers was to be constructed in the vicinity of Asotin, Washington. The first four dams on the lower Snake River provided navigation, power, and recreational benefits, but the advantages of the proposed Asotin Dam were to be far less extensive even by the ACOE's own reasoning. In 1960, the ACOE recognized that the navigation benefits alone to the Asotin Dam did not warrant its Congressional authorization and ultimate construction (Petersen, 1995, 150). There were, however, many advocates for the fifth dam on the lower Snake River lobbying for its completion; Congress ultimately approved the Asotin Dam in 1962.

Throughout its dam-building history in the Pacific Northwest, the ACOE had never touted recreation as an important outcome from its impoundment projects. In fact, the ACOE thought recreation in the human-made lakes was largely an unwanted nuisance, and the agency barely tolerated their existence (Petersen, 1995). That approach changed rather abruptly in 1964 when Congress enacted the Federal Water Project Recreation Act, a statute which allowed the ACOE and other federal agencies to calculate recreational benefits when determining the feasibility and cost/benefit ratio associated with a new project (Petersen, 1995). Recreational development could now be used to justify the moderately supported Asotin Dam. ACOE estimated that the number of recreational visitors to the slackwater area would triple once the dam was completed. A 1973 study by the Washington Department of Game, however, indicated that there was over 65,000 people-days usage annually along the free flowing Snake River in the Asotin area (Petersen, 1995).

The moderate support for the dam began to crumble even more as the environmental movement gained intensity and as the citizens of the surrounding area began to doubt the cost/benefit ratio of constructing yet another dam on the Snake River. In 1970, a myriad of local and federal conservation organizations built on the growing public discontent and filed a lawsuit in federal court to halt the building of the Asotin Dam. Despite the legal action, progress towards the dam's completion moved forward in 1971 when the House Public Works Committee authorized the ACOE to spend \$500,000 at the Asotin Dam site for conducting preliminary engineering studies (Petersen, 1995).

The consent from the House Public Works Committee to proceed with the Asotin Dam caused great concern among local politicians. The proposed dam was so unpopular among local politicians – particularly the Governors from Washington, Idaho, and Oregon – that all of them pledged to work together to permanently halt a federal dam at Asotin. The dissention was so vociferous that when President Gerald Ford signed a bill declaring Hell's Canyon a National Recreation Area the Asotin dam project was officially decommissioned (Preston, 1980). The once relentless desire for the federal government to erect and operate dams in Washington state had finally passed, and no new hydroelectric dams have been built in the state since the opposition over the Asotin Dam project at long-last succeeded in terminating the dam-building legacy of the federal government.

Local voices of opposition were finally heard by the federal government regarding the building of the Asotin Dam. It is doubtful that the advent of sustained local opposition alone caused the dam project's ultimate failure, but Congress at least considered local opinion in its decision-making in the end. Being ignored for over 60 years concerning local land and water resource use, however, produced serious anger and bitterness on the part of many citizens, not

only in Washington, Idaho, and Oregon, but throughout the remaining states of the American West. The burgeoning environmental movement, and its resulting federal regulations, was only going to increase the resentment of many citizens in the West towards the federal government in the years to follow.

### **The Environmental Movement**

The governmental philosophy of promoting the conservation of natural resources, especially as reflected in water resource management and dam policy, continued as a major theme of policy until the late 1960s and early 1970s. By the early 1970s, however, a new paradigm was beginning to take root in Washington, D.C. concerning the proper treatment of natural resources. The 1960s and early 1970s were witness to two widely read and well publicized books, and two large-scale ecological disasters that became important catalysts for the environmental movement in the United States.

The environmental movement of the late 1960s garnered serious attention around the nation, and many citizens previously unaware of environmental issues wanted the government to curb serious environmental degradation and switch the national focus from “conserving” natural resources to “preserving” them. By the late 1960s, the American environmental movement was in full swing. Popular literature, such as Rachel Carson’s *Silent Spring* (1962) and Paul Ehrlich’s *The Population Bomb* (1968), was persuasive in attracting the allegiance of more educated Americans to the environmental cause. In addition, some major ecological disasters sparked the interest of massive numbers of ordinary Americans in the concerns of the environmental movement with respect to the quality of air, water, and land resources.

On June 22, 1969, the Cuyahoga River in Cleveland, Ohio erupted in fire. The fire severely damaged two railroad trestles; fortunately, there were no human casualties (Time

Magazine, 1969). As stunning as this event was, it was not the first time the river had caught fire, but the timing of this particular fire attracted national attention. The river was so heavily polluted that the Federal Water Pollution Control Administration could find no forms of life inhabiting the river. Even leeches and sludge worms that usually thrive in decrepit water were absent from this river at this time (Time Magazine, 1969).

The single most important event that solidified the environmental movement in America was the massive oil spill off the coast of Santa Barbara, California which occurred in late June of 1969 (Easton, 1972). On June 28, a dramatic pressure increase in an oil extraction pump caused a serious blowout. For 11 days following the eruption over three million gallons of natural gas and oil gushed into the Pacific Ocean until a dense chemical mud covered the cracks in the seafloor (Steinhart and Steinhart, 1972). Over 800 square miles of ocean were affected by the blowout and 35 miles of hitherto pristine coastline were covered in oil up to six inches thick.

In response to the burgeoning call for environmental preservation the federal government put in place a series of legislative enactments designed to protect the environment from such devastation. The Wild and Scenic Rivers Act (1968), the National Environmental Policy Act (1969), the Clean Air Act (1970), the Clean Water Act (1972), the Marine Mammal Protection Act (1972), and the Endangered Species Act (1973) were all viewed as layers of major legislation intended to preserve natural resources for future generations (Nelson, 1995). One of the main goals of these mandates was to enhance the ability of the federal government to control or limit development on public lands which might compromise the overall goal of preserving the nation's natural resources for future generations.

Once again, the federal government unilaterally decided to regulate the appropriate use of public land, with little consultation of those who were going to be most directly impacted by

these Congressional mandates to protect the nation's environmental assets. The 1970s are known as the great environmental decade in American history; however, by the end of the decade, many citizens scattered throughout the American West grew quite frustrated by the character of the federal government's control exercised over their local public lands. It was the perception of many ranchers, farmers, and business interests in the West that the legislation passed by the federal government intended to preserve the nation's natural resources was too wide-ranging and overly restrictive, and too often achieved very little to promote preservation of the environment (Nelson, 1995).

### *The Sagebrush Rebellion*

Perhaps the most well-known protest against the federal control of Western public lands occurred in Nevada over the period of the late 1970s and early 1980s. The Sagebrush Rebellion pitted local ranchers, farmers, and the Nevada State Legislature against the federal government (Fairfax, 1984; Cawley, 1993). Inspired by Alexander Hamilton's Federalist Number 16, the Nevada State Legislature sought the return of state land that was regulated by the federal government. Ranchers throughout Nevada were outraged by the copious federal mandates that greatly constrained their traditional grazing practices (Nelson, 1995). The rebels had one very important ally – namely, President Ronald Reagan. The President had declared himself a supporter of the Sagebrush Rebellion and an opponent of federal agency regulations that were the main target of the rebellion.

Although the government had adopted an overall preservationist stance towards natural resources, they were still operating under the strongly-held belief that individuals with scientific expertise should manage the public lands unfettered by the concerns of local residents (Francis, 1984). These experts rarely, if ever, consulted local residents who in many cases had an intimate

knowledge of the land before creating administrative regulations and guidelines on farming, ranching, and extractive activities (Cawley, 1993; Switzer, 1997). It was perceived by many throughout the rural West that the strict governmental parameters being placed on land and water resource use severely limited the ability of honest, hard-working families to make a decent living wage by carrying out land-use based activities reflecting long-established traditions in their areas of residence.

In an attempt to end the acrimony associated with the Sagebrush Rebellion, President Reagan and his Department of Interior Secretary James Watt proposed the idea of the large-scale privatization of public lands throughout the West (Babbitt, 1982: 848-851). Individuals and/or corporate entities would be able to purchase large tracts of federally-owned land and be allowed to follow state (rather than federal) development guidelines. Reagan and Watt hoped this plan would return control of public lands in the West to local interests and at the same time bring in money to federal coffers. Unfortunately for the advocates of the Sagebrush Rebellion, the deep economic recession of the early 1980s and the resignation of Secretary Watt all but doomed the fate of the proposed privatization strategy (Babbitt, 1982; Cawley, 1993; Switzer, 1997). Ultimately, the Sagebrush Rebellion did little more than deepen longstanding anti-governmental sentiments towards the perceived restrictive federal policies concerning natural resource development (Huffman, 1982: 895-901).

### *The Wise Use Movement*

After the Sagebrush Rebellion died down, a few organized groups attempted to return federal land to local control through other means. The spotted owl controversy erupted in the late 1980s and early 1990s throughout parts of California, Oregon, and Washington and gave great impetus to these efforts (Switzer, 1997). The ESA protected the rare and seldom-seen bird



and its old-growth forest habitat. The reduction of available old-growth timber for harvest in order to protect the spotted owl and its habitat eliminated many jobs in the logging industry, and this in turn threatened the future viability of the many small rural towns which are dependent upon natural resource extraction (Dietrich, 1992).

The spotted owl dispute became the new lightning rod that galvanized anti-government sentiment and generated support for enhanced local control over public lands. Bolstered by this type of pervasive attitude throughout the West, the Wise Use Movement (WUM) evolved as a loosely organized group of advocates attempting to restrict the scope of environmental legislation and seek a balance between job generation, enjoyment of property rights, and environmental quality more favorable to the residents of the rural West (Helvarg, 1994). The two individuals most frequently cited as founders of the WUM are Alan Gottlieb and Ron Arnold (Switzer, 1997). Gottlieb and Arnold worked in the same Bellevue, Washington office building advocating for citizen rights' concerning free enterprise, the sanctity of private property, and the constitutional right to bear arms. These two men and the WUM were able to tie their advocacy to Populism and connect with other anti-government campaigns to gain considerable strength throughout the American West (Brick, 1995).

In 1989 the advocates of the WUM published their manifesto: *The Wise Use Agenda: The Citizen's Policy Guide to Environmental Resource Issues*. In their polemical text, the founders of the WUM make no apologies for wanting to use the earth for economic gain and maximal human benefit. It must also be noted, however, that the book states that the organization is interested in maintaining harmony with nature through both the private actions of responsible individuals and through government actions which *reward* such responsible behavior rather than punish people for violations of seemingly arbitrary and intrusive regulations. The WUM also

lists 25 goals of their organization, including, but not limited to: the immediate development of the Arctic National Wildlife Refuge for oil and gas exploration; reforming the national park system through progressive privatization; and, protecting private property rights through “takings” statutes and more favorable legal decisions in the courts (Gottlieb, 1989: 5-16).

Many citizens in the West, including numerous local elected officials, were still angered by the fact that the federal government managed almost 50 percent of the land in Western states (See Figure 2.4) (Nelson, 1995).

Figure 2.4 – Land Ownership in the Western States

<b>State</b>	<b>Total Land in Each State (Millions of Acres)</b>	<b>Percentage of Land Owned by the Federal Government</b>
Arizona	72.7	43.9
California	100.2	45
Colorado	66.5	36.1
Idaho	52.9	63.7
Montana	93.3	29.6
Nevada	70.3	86.5
New Mexico	77.8	33.6
Oregon	61.6	52.3
Utah	52.7	66.2
Washington	42.7	29.5
Wyoming	62.3	48
Total	753	47.7

(Nelson, 1995).

Even though vast amounts of federal funds had been flowing into these states for decades, numerous individuals in the WUM wanted more local-level control over the region’s public lands and water resources. The WUM continued to promote their ideas by arguing for increased industrial and agricultural access for economic development (Helvarg, 1994). Perhaps the WUM’s most popular rallying cry was against the “watermelon environmentalists” (green on the

outside, but Communist Red on the inside). Watermelon environmentalists were categorized as rich, urban-dwelling, elitists who wanted to preserve the wilderness at the expense of hard-working rural folks who truly know the forests, streams, and rivers that these misguided snobs wanted to protect (Hanson, 1995).

Many in the WUM claimed ultimate success with the Republican sweep of both Houses of Congress in 1994 and the resulting issuance of the “Contract with America.” Nearly all of the WUM 25 goals, however, have remained unattained. It is fair to say that the quest for more of a local voice in the decision-making concerning how local public lands and water resources are to be utilized has gained strength throughout the Western states.

#### *Presidential Commitment to the Inclusion of Local Participation in Natural Resource Issues*

The current Bush Presidential administration has actively promoted the use of collaborative partnerships among all levels of government involving business, environmental, and local interests in the effort to manage natural resource disputes. Executive Order 13340 (EO 13340) established a taskforce to investigate the ecological damage to the five Great Lakes and promote a collaborative resolution to managing the Great Lakes system (Bush, 2004). EO 13340 has required that federal environmental and natural resource regulation agencies work as partners with the varying interests to ensure the ecological health of the region.

Additionally, Executive Order 13352 signed in 2004 and the White House Conference on Cooperative Conservation held in St. Louis, Missouri, in late August 2005 both promoted *cooperative conservation* as the preferred approach to the management of the nation’s natural resources (United States Environmental Protection Agency, 2005). The term cooperative conservation relates to collaboration between federal, state, local, and tribal governments, as well as the involvement of non-governmental organizations and affected citizens with the goal of

achieving sustainable development. It is clearly the case that the efforts of the advocates of the Sagebrush Rebellion and the proponents of the Wise Use Movement were instrumental in motivating the President to mandate that federal natural resource agencies work collaboratively with local parties to resolve contentious environmental and natural resource issues.

### **Summary**

Over 125 years have passed since John Wesley Powell published *Report on the Lands of the Arid Region of the United States* outlining a revolutionary idea for land settlement and water rights appropriation in the Western United States. Powell's strategy to have eight or nine families design and regulate their own watershed was dismissed as ridiculous by Congressional delegations of his day. During the Conservation Era, the belief that only educated scientists should control watersheds and manage public lands became deeply entrenched in federal natural resource agencies. Additionally, Congress enacted several major statutes dictating that the federal government should regulate watershed policy and manage water resource development throughout the United States wherever navigable rivers were to be found.

This governmental tactic of relying on scientists and avoiding the input of concerned local citizens dominated water resource management policy for almost the entire 20<sup>th</sup> century. Laws and administrative regulations formulated during the environmental movement only strengthened governmental control of land and water use throughout the nation. Grassroots land and water policy reform efforts which arose in the 1980s and 1990s did little more than provoke further anti-governmental sentiment in the West. Only in recent years through experimentation with collaborative processes and the strategic use of Presidential executive orders have federal agencies become actively involved in environmental and natural resource disputes by seeking to establish sustained working partnerships with state and local interests and engaging in

collaborative processes aimed toward achieving consensual agreement on sustainable development outcomes.

This slow transformation by the federal government from expertise-based domination to the active inclusion of local parties in contentious natural resource problem solving mirrors the enforcement effort difficulties faced by NOAA and the WDFW in the Methow Valley and Walla Walla River Basins. During the ESA enforcement action taken in the Methow Valley, NOAA Fisheries and the WDFW ended up trying to dictate compliance with ESA-based requirements for fish habitat protection. Instead of trying to work with affected parties, the federal and state government agencies gave up on collaboration and imposed their will on the area residents and interests through the federal courts. As previously mentioned, this strong-arm enforcement tactic cost both NOAA and WDFW dearly in terms of public respect and trust.

The steadfast dedication to a collaborative undertaking in the Walla Walla River Basin, in contrast, illustrates a responsible means of attaining many of the goals sought by Western interests and those allied with the Sagebrush Rebellion and the Wise Use Movement. Although compliance with the ESA was not negotiable in the Walla Walla case, the WDFW gave options, made suggestions, and offered assistance to local farmers in their attempt to meet the standards of the ESA while maintaining the economic and social viability of the local community. The enforcement effort in the Walla Walla case was more aligned with the philosophy of John Wesley Powell that advocated a commonwealth approach to water resource management whereby all interested parties had some measure of influence in the process of making wise use of nature's bounty.

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## **CHAPTER THREE**

### **LITIGATION AND COLLABORATION AS ALTERNATIVE PATHS TO POLICY MODIFICATION**

#### **Introduction**

As already noted in the foregoing chapter, the federal government had largely ignored the interests of local parties regarding public land use and water resource policy for almost three quarters of a century. To remedy the situation of the lack of federal agency sensitivity to local concerns, beginning in the 1960s many locally-based interest groups turned to litigation in federal courts as a way to be included more fully in natural resource policy development and program planning. Litigation aimed at public policy adaptation has a long and distinguished history in American society. European colonists relied on the courts to resolve all types of problems, (Stoner, 1992) and litigation has become a staple of present-day American life (Dimock, 1980). Even though there are many benefits to the court-based process of policy change, in regards to settling complex environmental disputes it is safe to say that litigation has fallen into considerable disfavor over the last two decades (Kagan, 2001).

Since the late 1970s the scope of use of collaboration has slowly expanded as a viable alternative to adversarial litigation for managing contentious environmental dilemmas (Lake, 1980; Bingham, 1986). While the court process generally restricts inter-party communication and often results in a happy winner and disaffected losers, collaboration encourages joint-fact finding and the free exchange of information between competing parties. With the inclusion of all major interest groups in the collaborative process, it is hoped the ultimate consensual resolution arrived at will be amenable to all the entities engaged in the conflict. Collaboration, however, is not an easy method to implement for dispute resolution, especially when intricate

and controversial natural resource problems are in question and the parties in dispute are not trusting of one another as to motives, interests, and background information.

This chapter will highlight many of the drawbacks and advantages to utilizing both litigation and collaboration as a means of environmental conflict resolution. Additionally, two case studies concerning natural resource problems in the Pacific Northwest will be examined in some detail. In the Columbia and Snake River salmon case study the opposing groups have relied heavily on litigation, while the Applegate Partnership has used collaboration as the primary method to resolve their conflicts. Similar to the Walla Walla River Basin ESA enforcement effort, the use of collaboration by the Applegate Partnership has resulted in an overall decrease in volatile disagreements and a noteworthy increase in positive inter-group relationships in the area.

### **Litigation**

Until the late 1960s, the environment was generally seen as a common pool resource of vast depth to be utilized for its abundant wealth. The environment was not considered an entity with legal standing in court until recent years. The flurry of environmental law enacted in the late 1960s and early 1970s finally mandated that the impacts of economic development on the physical environment viewed in ecological terms be considered prior to major construction projects. Countless conservation organizations across the country seized upon the newly established environmental preservation laws to protect the many fragile ecosystems potentially endangered by future development plans (Caldwell, 1976).

The legal precedent for an environmental interest group receiving standing in an American court came in the case of *The Scenic Hudson Preservation Conference v. The Federal Power Commission*, (1965). The Second Circuit Court of Appeals ruled that a group holding

only an interest in preservation, rather than economic interests, was equally entitled to a judicial review to halt the construction of a project (Liroff, 1976). This landmark decision was the first time a group without a financial interest in a venture was able to sue to protect the public interest, and helped establish the legitimacy of environmental preservation in legal battles. The regulatory framework for protecting the environment has become extremely entrenched, however, and is not working as well as intended (Kemmis, 2001). The current regulatory structure typically leads to appeal to the legal process and, as intended, the court system is adversarial by design and generally leads to the identification of distinct winners and losers in high stakes contests (Kagan, 2001).

#### *Difficulties with the Legal Process in Resolving Environmental Disputes*

In a society as litigious as the United States, with an extensive history of adjudication, it is no surprise that many parties rely on the familiar legal process for conflict resolution. Adversarial methods are sometimes a beneficial tool in correcting societal ills by allowing political underdogs and engaging the equity powers of American courts to require government agencies to carefully weigh potential inequities in individual cases. Far too frequently, however, the access to civil courts is abused by environmental and business interests' alike seeking to gain an upper hand in an ongoing dispute (Wenner, 1982; Amy, 1987). The three reasons most frequently cited by contesting parties entangled in an environmental conflict for relying on a lawsuit as a means of settling a controversy are: 1) there is considerable reliability and predictability associated with the process; 2) the ability to delay change is available via court order; and, 3) the capability of environmental watch-groups to bird-dog governmental agencies is enhanced by the discovery process connected with an ongoing lawsuit against a public agency.

### *The Trust and Predictability of the Civil Court Process*

The civil court process has been a mainstay of polite society in the United States for two centuries, and most of the time it presents a highly predictable course of action. With such an extensive adjudicative history, Americans often feel the necessity to have their “day in court.” Even though negotiation may be possible in specific cases, some groups are more apt to dismiss the collaborative process as too lengthy and indeterminate and argue matters in front of a judge and/or jury (Amy, 1987). In courtrooms there is a certain sense of finality; in most cases there is a clear winner and a clear loser at the end of the court’s deliberations. Through the course of the judicial process contending groups are cast as opponents and they work feverishly to ensure they have as strong a case as possible so that they can win the desired court ruling (Wondolleck and Yaffee, 2000). Since the entities contending the lawsuit are competing against each other they typically do not communicate during the proceedings and, in environmental disputes, the parties often seek to strengthen their position by relying on information offered by “dueling scientists” and supposed subject matter experts (Busenberg, 1999: 2-4). The opposing scientists and experts frequently refute the other’s findings, which often serves to exacerbate the original problem and confuse the issue for interested observers. When environmental disputes are hotly contested, which they commonly are, compromises are viewed as undesirable because of the deep-rooted ill feelings existing between the combatants (Bingham, 1986).

Even though long and drawn out court cases are extremely costly, most organizations and agencies have in-house lawyers on their respective payrolls; they typically do not view high legal costs as unusual, but rather see this matter as an ordinary and expected cost of doing business. In contrast, public agency administrators tend to view the additional funding required for collaboration as being both an atypical expense and one that is unnecessary (Tonkin, 2002).



Occasionally agencies may be willing to adopt a mediated collaborative approach, but they seldom have agency staff trained in the process and generally believe that they cannot afford to hire new personnel that are familiar with this approach to dispute resolution (Wondolleck and Yaffee, 2000). It is also true that funding for collaborative processes is generally minimal as compared to the resources available for litigation.

*The Delay Tactic of Lawsuits and the Pursuit of the Status Quo*

In many environmental conflicts delay can be a double-edged sword used by development interests and environmental groups alike (Melnick, 1983). Business interests often favor litigation because the delay imposed by the court review process ensures production will remain at the status quo (Bingham, 1986). As long as new and more restrictive policies cannot be implemented, businesses are allowed to maintain their standard operating procedures and not incur the added cost of changing techniques for environmental mitigation (Wenner, 1982). Litigation is also a very expensive process, however, and extensive delays and rising costs associated with adjudication can force poorly funded environmental and conservation groups out of court (Bacow and Wheeler, 1984; Amy, 1987).

Delay can also raise costs to possible developers in many situations. If the costs of the court process related to any possible expansion are too high, improvement plans may be scrapped (Bacow and Wheeler, 1984). Court delay can be so expensive and time-consuming that quite often the mere threat of litigation issued by conservation groups causes business interests to abandon their development ideas (Kagan, 2001). Lawsuits filed by environmental groups can also focus intense review on the new projects, causing their delay or outright cancellation (Lake, 1980). During these court review periods, development interests are held accountable for their

proposed actions and growth may not take place until all mitigation efforts have been carefully scrutinized.

Furthermore, environmental groups can exploit the courts by delaying undesirable administrative actions while waiting for more reliable scientific data to be revealed (Wenner, 1982). By appealing administrative decisions, environmentalists often hope a neutral court will reverse previous agency decisions. By filing a lawsuit, environmental groups hope new scientific data will be uncovered detailing a more beneficial mitigation strategy for the planned growth.

#### *The Ability for Citizen's to Review the Decision-Making of Public Agencies*

The American public tends to be quite wary of government agencies and to question the actions of government more than the citizens of other democratic countries (Wondolleck and Yaffee 2000; Terry, 2005). As mentioned in the previous two chapters, past interactions between government and citizens in which government agencies have been less than forthright have caused deep feelings of mistrust and resentment by many segments of society – particularly in the American West (Scarce, 1990; Foreman, 1991; Cawley, 1993; Brick, 1995; DGSS, 2003). This deeply seated mistrust creates suspicion about the government's motives and often leads to misgivings concerning the veracity of the public agencies' scientific findings and the proper analysis of their data (Wondolleck and Yaffee, 2000).

Instead of cautiously approaching collaborative efforts with an honest attempt to achieve mutual agreements, environmental groups are more inclined to turn to litigation. Lawsuits against public agencies also allow small groups the chance to participate in decision-making activities in ways that are impossible otherwise (Bacow and Wheeler, 1984). Instead of being

neglected or melded into a broad multi-group effort in the collaborative process, adjudication allows minor environmental interests a seat in the courtroom.

The fact that many groups choose to participate in adversarial lawsuits is quite understandable given the entrenched tradition of the legal process in the United States. The threat of lengthy and costly lawsuits can often drive poorly funded environmental groups out of court and dissuade business interests from beginning new projects or expanding existing ones. Lawsuits also guarantee minority environmental interests the opportunity for their ideas and concerns to be heard by a judge. Over the last 20 years, however, the adversarial process has become progressively less popular with many community-based groups, environmental interests, business groups, and government agencies alike (Kagan, 2001). Citing the numerous problems associated with relying on the civil legal system, many of these entities involved in environmental and natural resource disputes have discovered a somewhat better method of conflict resolution in many situations – namely, collaboration.

### **Collaboration**

Since the 1970s the ongoing difficulties associated with the adversarial process have led to the substantially increased use of collaboration to manage natural resource disputes (Lake, 1980; Bingham, 1986). Collaborative methods are also known under many different titles, including but not limited to the following terms: alternative dispute resolution, collaboration, problem solving partnerships, community-based collaboration, collaborative conservation, community-based ecosystem management, and grass roots ecosystem management (Conley and Moore, 2000). While these concepts are slightly different from each other, they all share the common idea of bringing together competing groups such as, federal, state, county, city, and tribal governments along with industry and environmental interests and private citizens to

resolve difficult natural resource problems in mutually beneficial ways with as little cost as possible.

### *The Early History of Collaboration*

In the early 1970s, one of the first environmental collaborative ventures attempted in the United States occurred in Snohomish County in Washington state. The now widely known and highly respected mediator Gerald Cormick (now associated with the Evans School of Public Affairs at the University of Washington) was the mediator between numerous parties concerned with the siting of a dam on the Snoqualmie River (Amy, 1987). Heavy rains and mountain snowmelt caused frequent floods in the lower elevations in Snohomish County, so county planners wanted to install a dam on the Snoqualmie River to control the floodwaters. Local concerns about the potential environmental and scenic impacts of the dam stalled its construction. Cormick met with the interested parties, and after many months of negotiation an agreement was ultimately reached (Amy, 1987). The placement of the dam was changed from the original site selected by the county to lessen the environmental and scenic impacts, but the dam would still be able to control springtime floodwaters effectively. Additionally, county planners would henceforth utilize more inclusive decision-making processes for authorizing future land use activities near the Snoqualmie River. This non-adversarial conflict resolution process demonstrated to many observers that collaboration could be used quite effectively to manage tricky natural resource problems in a way that built respect and mutual trust among the participants in the process.

Since the early 1970s use of collaboration has increased greatly with respect to efforts to resolve natural resource and environmental disputes (Bingham, 1986; Little, 1994). In the past 15 years many local communities have become quite involved in collaborative processes associated with project planning phases regarding the use, conservation, and preservation of their

land and water resources (Wilkinson, 1999; Moote, Conley, Firehock, and Dukes, 2000; Gray, Enzer, and Kusel, 2001; Kemmis, 2001; Weber, 2003; Weber, Lovrich, and Gaffney, 2005). Just because collaboration is becoming quite popular, however, does not mean that the collaborative process is easy to implement.

### *Difficulties with Using Collaboration to Resolve Natural Resource Disputes*

Collaboration is frequently difficult to initiate and sustain because the parties involved in the dispute often have prior contentious relationships. Instead of fighting against each other, these combative groups must decide to work together for a mutually beneficial resolution. The “us versus them” paradigm must be replaced over time with sufficient cooperation to permit the discovery of common ground. There are numerous factors that make virtually any type of collaborative venture a difficult process. Although there are many different analyses dealing with a wide variety of characteristics that make collaboration complicated, almost all scholars cite the following dynamics as increasing the complexity of the collaborative procedure: the intricacy of environmental problems, the common reliance on new technology to moderate the dispute, conflicting interests, positional bargaining, competing values, and the typically large number of stakeholders involved in natural resource and environmental problems (Lake, 1980; Bingham, 1986; Amy, 1987; Susskind, McMahon, and Rolley, 1987; Susskind and Cruikshank, 1987; Fisher, Ury, and Patton, 1991; Burgess and Burgess, 1995; O’Leary, 1995; Cormick, Dale, Emond, Sigurdson, and Stuart, 1996; Susskind and Field, 1996; Busenberg, 1999; Wondolleck and Yaffee, 2000; Carpenter and Kennedy, 2001; Daniels and Walker, 2001; MacNaughton and Martin, 2002).

### *The Intricacy of Environmental Disputes*

A majority of environmental conflicts arise because the issues in controversy are inherently complex. Ecosystems are multi-faceted geographically situated places that are rarely fully understood, even by the most talented scientists. Sometimes people even disagree about whether or not there is actually an environmental problem at hand. The scientific struggle to have global warming recognized as an ecological concern over the last 15 years is a prime example of the controversy normally surrounding environmental disputes. Since the problems involved are so complex, disputants often turn to science to focus in on the problem and to seek to identify a potential solution.

### *Relying on Technology to Identify a Solution*

Many optimistic Americans assume, incorrectly it turns out, that science will ultimately uncover one correct solution to virtually any environmental debate. Technological solutions to environmental problems are rare, however, because as the conflicts become more complex the number of people qualified to identify solutions decreases proportionately (Daniels and Walker, 2001: 9-10). Frequently, scientists allied with opposing parties will provide dissimilar answers based on their own levels of acceptable risk and level of tolerance for scientific uncertainty (Busenberg, 1999). In such cases, value judgments concerning the “correct” solution and levels of acceptable scientific uncertainty often exacerbate an already tenuous situation.

The phenomenon of battling scientists can devolve into an undesirable situation referred to as “analysis paralysis.” Analysis paralysis occurs when parties engage in the lengthy and ultimately fruitless search for scientific certainty to a multi-faceted real world issue (Burgess and Burgess, 1995). Situations that possess significant uncertainties and involve differences in fundamental core values also raise the level of emotional volatility surrounding the controversy,

and such conditions generally make collaboration extremely difficult (MacNaughton and Martin, 2002).

*The Problems of Values and Conflicting Interests in Collaborative Ventures*

Adding to the typical intricacy of natural resource conflicts and the struggles involved in mediating them are the usual fundamental differences in core environmental values brought to the table. Frequently no single group questions the legitimacy of the environmental principles at stake, but the parties involved most often disagree as to the costs and benefits to themselves associated with particular plausible solutions to the shared problem (Lake, 1980). Typically in the United States, the public policy battles over cultural icons such as wild salmon are deeply rooted and intense. Most dispute resolution scholars concur that disagreements surrounding moral judgments concerning right and wrong are rarely negotiable (Susskind, McMahon, and Rolley, 1987). Instead of focusing on immovable morals, competing parties need to be brought to a discussion of their underlying interests involved in addressing the problem.

Often parties in dispute operate on the assumptions of their opponents' perceived stereotypes, and they never fully come to understand their common interests or the true severity of the conflict. Even though two parties may have quite different interests, there is no reason to believe those interests are inherently incompatible (Amy, 1987). Especially in highly complex natural resource conflicts, disagreements over the needs that are actually in dispute must be differentiated from concerns that only appear to be in controversy (MacNaughton and Martin, 2002). It is commonplace for adversaries to desire a favorable outcome where their needs are met and those of their opponents are not; unfortunately, this winner-take-all aspiration creates the problem of positional bargaining and is more well-suited to the courtroom than to the negotiating table.

### *The Use of Positional and “Fixed Pie” Bargaining*

Positional bargaining entails a party beginning with an extreme position, doggedly adhering to it, and only making the smallest concessions necessary to keep the negotiation process moving along (Fisher, et al., 1991). The parties involved, however, should be attentive to the interests that underlie their opponent’s position, as this will create the foundation for interest-based negotiation and the discovery of win-win solutions in later iterations of the negotiation (Susskind and Cruikshank, 1987). Attaining the benefits of interest-based collaboration requires the building of substantial trust among adversarial opponents, a commodity which is in relatively rare supply in many conflict situations.

Along with positional bargaining, another common thread making collaborations difficult is the belief in the existence of a “fixed pie” scenario. Another way of categorizing fixed pie interests is called a zero-sum game; if one party wins, the other must lose (Fisher et al., 1991: 56-80). Most environmental conflicts fall into this “fixed pie” grouping because of the competitive strategies adopted and the self-interested motivations at play (Daniels and Walker, 2001). As environmental disputes become more complex, the stakeholders involved usually rely on adversarial tactics because they come quite naturally to mind.

A technique often used to address the fixed pie problem is to have all the involved parties identify everyone else’s goals. The stakeholders can then “log roll” and trade off high priority interests for another’s low interests (Daniels and Walker, 2001). Once again, the attainment of win-win situations is complicated by the presence of large numbers of groups participating in the conflict (Amy, 1987). It is extremely difficult to address all of the stakeholder’s concerns when there are a great many interests at the negotiating table. The fact that many environmental



problems involve federal, state, local, and tribal governments, as well as conservation groups and local citizens only complicates the matter further and increases the need for expert mediators.

*The Complicating Factor of Numerous Stakeholders*

Identifying the key stakeholders in any environmental dispute is rather difficult for a variety of reasons. Some conservation and environmental groups are poorly organized and they may not present *one* legitimate leader; in contrast, government and business interests are usually well established and have a recognized chain of command (Cormick, et al., 1996; Susskind and Field, 1996). In regards to environmental conflicts, the significant stakeholders generally are not initially located because they tend to become actively engaged at different stages of the discussion (Bingham, 1986).

There are three primary categories of parties involved in an environmental problem: primary, secondary, and peripheral (Daniels and Walker, 2001). Primary parties are the main combatants in the dispute, and they are usually involved in the process from the outset. Secondary parties typically are concerned with the outcome, but are not directly engaged in the process whereby possible solutions are being developed. Peripheral parties are usually not directly affected by the issue of core concern, but their interests are affected by proposed solutions. The usual diverse mix of stakeholders will often have differing viewpoints of the social, moral, and economic viability of the proposed resolutions to the issue in controversy. Increasing numbers of stakeholders makes collaboration more difficult because of the numerous competing interests involved, but exclusion of relevant stakeholders from a collaborative process often poisons the effort from the outset (Schuck, 1979).

### *Collaboration is not a Panacea for Environmental Conflict Resolution*

Due to the many constraints and difficulties associated with collaboration, the process certainly is not a panacea for all environmental and natural resource disputes (Bingham, 1986; Amy, 1987; Little, 1994; O'Leary, 1995; McCluskey, 1996; Gewurz, 2001). The combination of various institutional and structural barriers, along with the typical volatility of the situation and contentious past relationships frequently present can make collaborative ventures highly unproductive at times (Wondolleck and Yaffe, 2000). Similar to the adversarial procedure, collaborative processes can highlight in a stark way the disparities between prosperous corporate groups and poorly funded environmental interests. Collaboration can also take years of meetings, working sessions, and millions of dollars spent on research and archival document retrieval to come to a suitable resolution for all the parties involved in the controversy. Despite all of the benefits of litigation and the many difficulties related with collaborative processes, there are still many legitimate reasons to pursue collaboration for the management of environmental and natural resource conflict situations.

### *The Benefits of Collaboration*

Collaboration, when successful, leads to the achievement of a win-win situation wherein each group leaves the negotiation table with an acceptable solution and a commitment to make the agreement successful in practice. But participating parties involved in successful collaborations generally feel that resolutions reached through partnerships are better than could have been achieved through the adversarial process (Bingham, 1986). Collaboration tends to expose the true interests of the participants, while litigation is more inclined to exaggerate the bargaining positions of the parties (Schuck, 1979). Since all sides of the issue were part of the

negotiation process, the final decisions reached through collaboration are likely to be supported by nearly everyone involved.

Collaboration allows the parties in conflict to meet in person and exchange information directly. By establishing trust in face-to-face meetings and by building working relationships, information sharing often leads to effective problem solving and the serving of party interests (Wondolleck and Yaffee, 2000). Face-to-face interaction stimulates the flow of information between and among parties; in contrast, litigation tends to obstruct open and honest inter-party communications (Schuck, 1979). Since the final resolution should contain the most accurate science based on the mutual understanding of the problem at hand, any factor that impedes the sharing of technical information is likely to be a severe hindrance to the collaboration process.

Another advantage of collaboration is having subject experts and relevant scientists conclude what the best scientific data available is, and allowing them to make recommendations and draw conclusions based off of that information for the benefit of collaborating parties. Conversely, in the litigation process judges frequently decide technical matters as best they can. Judges are often placed in the awkward position of having to rely on their limited scientific abilities to answer complex ecological questions (Melnick, 1983; Hoban and Brooks, 1987; Greve, 1996). Of course judges are knowledgeable in matters of law, but they are rather limited in their knowledge when the subject turns to intricate scientific issues.

According to some observers, American civil courts are disproportionately responsive to lawsuits filed by environmental organizations (Greve, 1996; Kagan, 2001). While these disputes are often locked in ongoing litigation for years contemplating the supposed or perceived environmental threats, businesses and their consumers incur very real costs associated with the

delay. More concerted efforts at collaboration could avoid at least some of these time delays and their related costs.

Finally, even if a collaborative venture fails to result in a signed agreement it does not follow that the entire collaborative process was a waste of time, money, and energy. So-called “failed” negotiations still allow for the opportunity of the creation of improved relationships and enhanced trust-building between parties with historically tenuous relationships (Buckle and Thomas-Buckle, 1986). Higher levels of respect and a better mutual understanding among stakeholder interests involved in an environmental dispute can signal the beginning of better working relations and enhanced opportunities for effective collaboration in the future (Susskind and Ozawa, 1983).

### **Case Studies that Highlight the Benefits of Collaboration and the Weaknesses of Litigation**

The following two case studies set in the Pacific Northwest demonstrate how the traditional legal and collaborative approaches to watershed management issues have led to rather dissimilar results. In the Columbia and Snake River salmon case reviewed here, the traditional litigation process was favored, whereas in the Applegate Partnership situation collaboration was the method of dispute resolution adopted by the affected parties. The results of the comparison of these two case studies have noteworthy implications for this WDFW study. These case studies both illustrate the difficulties associated with federal control of local lands and both watersheds, and highlight the potential advantages of involving the local public in natural resource planning in the American West.

#### *The Court Process Concerning Threatened and Endangered Columbia and Snake River Salmon*

After the listing of spring-summer and fall chinook salmon as a threatened species under the ESA in 1992, NMFS drafted its first biological opinion (BiOp) in an attempt to recover the

ailing species. NMFS's BiOp's are their opinions on how to best recover a threatened or endangered species, and every few years as new science dictates agency BiOp's are reviewed and updated. NMFS relied on a seven-member team in outlining its 1992 BiOp. These people were:

Donald E. Bevan, a retired fisheries professor from the University of Washington (UW); James A. Crutchfield, a professor emeritus of fisheries from UW; Ted Bjornn, a fisheries research scientist from the University of Idaho who worked for the United States Fish and Wildlife Service; John Harville, a former fisheries professor and one-time executive director of the Pacific States Marine Fisheries Commission; Pete Bergman, former hatchery chief and recreational fisheries specialist for the Washington Department of Fisheries; Pete Klingeman, a hydrologist and professor of engineering at Oregon State University; and James Litchfield, a former energy planner for the Northwest Power Planning Council (Lange, 1991, p. B-1).

This salmon recovery team also consulted with the Federal Columbia River Power System on five separate occasions to determine the exact actions required to be taken to de-list the salmon species in question (Eames, 1995).

The 1992 BiOp was more of a "roadmap" on what NMFS would like to be able to do and what they needed to do to restore salmon than a definitive listing of specific mitigation efforts. NMFS reasoned that the agency needed a holistic method rather than a piecemeal approach for bringing back the threatened fish. Agency officials, however, remained uncertain on the exact actions required to implement a holistic approach to salmon recovery (Blumm, 1995). NMFS

circulated letters to all the appropriate federal agencies informing them that the current operations of the dams on the Columbia and Snake Rivers did not yet constitute grounds for a “jeopardy” limitation of their operations. This meant the ACOE could still manage the four Snake River dams at status quo working capacity. In the appendix of the 1992 BiOp, NMFS proposed a mathematical model to simulate the conditions faced by migrating salmon to better understand what was killing them (Eames, 1995). Ultimately, the 1992 BiOp was long on talk and speculative analysis and short on mitigative action, and the rumblings of lawsuits were increasingly audible. Pacific Fisheries and the Sierra Club Legal Defense Fund claimed that the Columbia and Snake River power generation operations did indeed place the salmon in jeopardy (Koberstein, 1992). Conversely, hydroelectric power generation and aluminum production interests threatened lawsuits based on the claim that NMFS was not doing enough to protect salmon from the adverse effects of commercial and sport fishing, logging operations, mining activities, and grazing practices in the region.

In 1993 NMFS altered its BiOp substantially; the revision in question called for an improved rate of salmon survival over the 1986 to 1990 base period to be achieved through a variety of voluntary measures to be adopted by many interested parties. Additionally, dam operations combined with all other human effects on salmon were supposed to be reduced so that in the long-term salmon populations would stabilize (Blumm and Corbin, 1999). Once again, the 1993 BiOp claimed that the hydroelectric operations on the Columbia and Snake Rivers constituted no jeopardy to the survival of the threatened salmon species.

*Idaho Department of Fish and Game v. National Marine Fisheries Service*

With support from the state of Oregon and several tribal governments, the Idaho Department of Fish and Game (IDFG) sued the agency over its 1993 BiOp and called for a

complete overhaul of hydroelectric generating procedures to place on the Lower Columbia and Snake Rivers (Blumm and Corbin, 1999). IDFG argued that NMFS's "no jeopardy conclusion" was an arbitrary and capricious and finding inconsistent with established scientific evidence (Blumm, Lucas, Miller, Rohlf, and Spain, 1998). IDFG's primary assertion was that the agency's choice of the years 1986 to 1990 as a baseline to measure salmon survival was inappropriate. Those particular years were considered drought years in the region, with accompanying low salmon runs associated with low water years. It was argued that using years with already low numbers of returning salmon did not represent the use of the best scientific data available in aiming to restore the threatened fish species.

In 1994 United States Federal Court Judge Malcolm Marsh of the District of Oregon ruled that NMFS had erred in relying on the moribund salmon returns from 1986 to 1990 as a benchmark for the agency's salmon recovery strategy (Eames, 1995). Similarly, Judge Marsh ruled that the no jeopardy distinction inappropriately ignored worst case scenarios without providing sufficient scientific explanation (Blumm and Corbin, 1999). Most notably, Judge Marsh opined that the no jeopardy ruling failed to rely on the best scientific data available offered by IDFG, the state of Oregon, or the Columbia River Indian Tribes (Eames, 1995). NMFS's 1993 BiOp was invalidated for being inconsistent with the ESA, but the agency was allowed to focus its full efforts on the preparation of the 1995 BiOp (Blumm, 1995).

#### *NMFS's 1995 Biological Opinion*

A part of the 1994 ruling issued by Judge Marsh in *IDFG v. NMFS* mandated that NMFS work closely with the IDFG and the state of Oregon in issuing its 1995 BiOp. In March of 1995 NMFS released its second BiOp. The centerpiece of this particular document was the scheduled release of vast quantities of impounded water from the four Snake River Dam reservoirs in late

winter to assist in the migration of spring-summer chinook smolts in the making of their long journey to the Pacific Ocean (Titone, 1995). The discharging of the water in late winter meant that some energy production would be lost at peak winter times when the profits of the hydropower industry are at their highest point. The Clinton Administration stepped in and pledged financial support to electrical consumers affected by higher energy prices (Titone, 1995). The BiOp also called for the release of some water in the summer to help the threatened migrating fall chinook as urged by an independent scientific review (Baum, 1995).

In August of 1995, the leadership of NMFS scaled back the agency's decision to increase the flow of water in the Snake and Columbia Rivers to aid the imperiled salmon, much to the chagrin of fishery, tribal, environmental, and conservation groups (Baum, 1995). Montana Governor Marc Racicot had threatened to file suit if NMFS released water as planned at Libby Dam on the Kootenai River. NMFS eventually conceded and claimed that reducing the river flows would not be detrimental to the migrating salmon (Baum, 1995).

#### *Other Organizations Create Their Own Opinions on How to Save the Salmon*

It was obvious to many attentive observers that NMFS was struggling mightily to issue competent BiOp's in an effort to promote the recovery of the threatened salmon species (Hoover, 2005). By the mid-1990's NMFS was far from alone in attempting to fashion remedies for the Pacific Salmon. Numerous entities were establishing their own framework on how best to aid the vulnerable fish. Some of these groups were partisan to environmental and conservation causes, others were a collective grouping of competing interests, and a few were independent scientists and subject matter experts. The most surprising outcome of these unconnected partisan and/or scientific activities was the relative unanimity of their findings regarding Pacific salmon recovery in the Northwest.



### *The Independent Scientific Group*

The Independent Scientific Group (ISG) is the scientific review branch of the Northwest Power Planning Council (NPPC). Unlike NMFS's numerous BiOp's, yet similar to many other studies, the ISG called for major overhauls in hydroelectric operations and a widespread change of approach elsewhere in the salmon recovery effort (ISG, 1998). The ISG specifically called for a phased return to the natural ecological processes and functions of the region (Richardson and Bello, 2001). The ISG wanted to restore a river ecosystem that closely resembled a natural free-flowing river, similar to the way the ecosystem behaved before dramatic human intervention (ISG, 1998).

The ISG espoused a conceptual shift in how humans managed the habitat and passage ways of the Pacific salmon; they urged movement away from the mechanistic concepts that had made salmon management dependent upon technological fixes toward the adoption of natural ecological processes (ISG, 1998). These assertions were far from earth-shattering for those who knew the issues of salmon survival well, but what gave the ideas of the group considerable clout was the fact a scientific branch of a power operating industry was making them. The ISG realized very well that their strategy ran counter to the philosophy that had guided river management for nearly one hundred years. Ultimately, ISG's carefully arrived at conclusions were that the status quo in salmon recovery, as advocated by NMFS, was unlikely to significantly improve the long-term status of the Pacific salmon species located in the Snake and Columbia Rivers (ISG, 1998).

### *The Plan for Analyzing and Testing Hypotheses*

Besides working together with IDFG and the State of Oregon in producing the 1995 BiOp, NMFS was required by a 1994 court ruling to begin a collaborative recovery effort with

the participation of state, tribal, and hydroelectric biologists (Marmorek and Peters, 2001). This new organization was called the Plan for Analyzing and Testing Hypotheses (or PATH). PATH's activities were coordinated by a six-member planning team that consisted of state, tribal, and federal fishing agencies, coupled with power system operating agencies and the NPPC. Along with the agency-based biologists, PATH featured the active involvement of independent scientists and representatives drawn from many regional institutions. PATH was in operation from 1995 to 2000, and its creation was intended to reduce the scientific uncertainties that were plaguing NMFS in the preparation of their BiOps (Grossman, 2002).

Unlike other groups studying threatened salmon species, PATH chose to focus their analytical efforts almost entirely on the hydrosystem. PATH did little to analyze the effects of harvest, hatcheries, and loss of habitat on salmon recovery (Grossman, 2002). The primary reason for these exclusions was that other federal agencies, in particular the United States Forest Service (USFS) and the United States Fish and Wildlife Service (USFWS), were reluctant to permit PATH into their respective areas of jurisdiction. PATH, similar to the ISG and numerous other groups conducting salmon recovery studies at this time, concluded that the best way to promote salmon survival would be to breach the four lower Snake River dams.

NMFS was represented in PATH by three scientists from their Portland, Oregon office, but the agency had no representatives from the important Northwest Fisheries Science Center located in Seattle, Washington (Fisheries Center) located just off of the University of Washington campus (Marmorek and Peters, 2001). This is a notable exclusion because when the agency issued its 2000 BiOp, NMFS rejected PATH's modeling conclusions and relied heavily on the Fisheries Center's findings instead. The reason why NMFS declined to use PATH's advice has never been revealed to the public. What is interesting to note is that from 1995 to

2000, the years in which PATH was operating, there were no lawsuits initiated against NMFS by any of the parties participating and collaborating in the PATH effort. Once NMFS released its 2000 BiOp, however, a number of lawsuits were filed by interested groups.

*NMFS's 2000 Biological Opinion*

When NMFS released its 2000 BiOp in November of that year, the agency ignored PATH's, ISG's, and other similar recommendations to breach the dams or significantly draw down the Snake River impoundments, and instead once again declared a "no jeopardy" finding with respect to the hydroelectric operations on the Snake and Columbia Rivers (Robinson, 2003). The 2000 BiOp did, however, list almost 200 off-site mitigation measures that, if followed, would help avoid extinction of the threatened salmon stocks. NMFS did admit, however, that if their proposal was not followed by concerted efforts on the part of many regional institutions, the operations of the hydroelectric companies would in fact come to jeopardize the continued existence of the threatened salmon species (Blumm and Powers, 2002). This statement of findings by NMFS's infuriated many fishery, tribal, environmental, and conservation organizations which individually and collectively had been advocating more immediate changes in hydroelectric operations for over a decade. Their frustration with NMFS's position boiled over into a lawsuit against the agency.

*National Wildlife Federation v. National Marine Fisheries Service*

By May of 2001 a coalition of 16 environmental and conservation organizations, backed by the State of Oregon and four Indian tribal governments (the Umatilla, Warm Springs, Yakama, and Nez Perce), sued NMFS and challenged the legitimacy of their no jeopardy finding regarding the hydroelectric functions on the Columbia and Snake Rivers (Mapes, 2003). Supporting NMFS's no breach policy were the States of Washington, Idaho, and Montana, as

well as farming, utility, irrigation, and shipping interests operating in those states. In the main argument of the lawsuit *National Wildlife Federation (NWF) v. NMFS*, NWF claimed that NMFS failed to use the best available scientific data when creating their 2000 BiOp.

In highlighting NWF's assertion that NMFS did not use the best available scientific data, the organization noted that NMFS rejected PATH's collaborative findings in favor of the Cumulative Risk Initiative (CRI), a species extinction simulation model created by their own Fisheries Center scientists (Blumm and Powers, 2002). Both the PATH and CRI scientists agreed that Pacific salmon are declining at an accelerating rate, but independent scientific reviews of CRI had panned their "one-fish standard" which held that only one pair of fish is necessary to return to spawn to keep an entire fish species viable. Critics of that approach believe that once the population level of a species reaches a very low population level, the species falls to a point of no return where extinction is virtually inevitable (Blumm and Powers, 2002).

In May of 2003, United States Federal Court Judge James Redden of the District of Oregon ruled in favor of the NWF and invalidated the NMFS 2000 BiOp. In his opinion, Judge Redden opined that the agency's recovery plan fell short of the standards dictated by the ESA on the minimum efforts required to save the Columbia and Snake River salmon (Mapes, 2003). Judge Redden ruled that the BiOp relied on recovery efforts that were too uncertain of success. Additionally, NMFS was given one year to re-work their flawed plan to restore the precarious Columbia and Snake River salmon runs (Bernton, 2003). The frequency of lawsuits concerning the salmon recovery seems to have increased over the past few years.

### NMFS's 2004 Biological Opinion

Every BiOp issued by NMFS, now known as NOAA Fisheries, concerning the recovery of the threatened and endangered Columbia and Snake River salmon had always included the option of breaching one or more of the four lower Snake River Dams. In the 2004 BiOp, however, the agency made a key decision in how they chose to interpret the ESA. This new understanding of the ESA allowed NMFS to claim that the operation of the system of dams on the lower Columbia and Snake Rivers is causing a no-jeopardy situation for the salmon passing through the area (Hooper, 2005; Lorenzo, 2005).

The numbers of threatened and endangered salmon and steelhead have been increasing dramatically the last few years, which indicated to NMFS that the recovery efforts suggested in the past had been successful, and the need to list the dam operations as causing jeopardy to the fish was unnecessary (Hooper, 2005). The majority of scientists and subject matter experts studying this problem, however, attributed the rise in salmon populations to favorable ocean conditions as opposed to the agency's anemic recovery plans (Lorenzo, 2005). Unhappy with the recommendations of the NMFS's 2004 BiOp, the pro-salmon interest groups sued once again to have the agency's limited recovery strategy overturned.

### The Continuing Litigation

In May of 2005, U.S. District Court Judge Redden invalidated NMFS's \$6 billion plan to protect migrating smolts by installing slides on the Columbia and Snake River Dams (Cain, 2005). In July of 2005, the Ninth Circuit Court of Appeals upheld one of Judge Redden's previous rulings to increase the spill water over the Columbia and Snake River Dams to help the juvenile salmon avoid the turbines (Cornwall, 2005). After the ruling, the opposing parties agreed to try to work more cooperatively in their efforts to revive the fledgling Pacific salmon

stocks. Without actually sitting down and attempting to collaborate, these lofty promises have proven to be rather empty gestures to please the Court. In true adversarial form, the same parties were in the U.S. District Court in October of 2005, when Judge Redden gave NMFS one year to revise their 2004 BiOp (Cain, 2005). Most recently, in December of 2005, Judge Redden ordered the Bonneville Power Administration to spill more water over the dams because NMFS's has yet to create a no-jeopardy situation for the embattled fish (Barnard, 2005).

In the period of May of 2003 to December of 2005 there have been 12 separate judicial rulings in the continuing consolidated cases of *NWF v. NMFS*. This figure does not incorporate other lawsuits featuring the ACOE and BPA as sole defendants. The adversarial opponents have incessantly argued about increased water spills over the dams, about hatchery fish, about critical habitat, about dam breaching, and about other similar salmon recovery issues to no apparent avail (Hooper, 2005). Almost 14 years after first listing of the salmon as threatened 11 more species of Columbia or Snake River salmon have been listed as threatened or endangered under the ESA, and the wild fish stocks are still struggling for permanent survival (Wegner, 2003). In fact, figures released by the federal government in 2004 revealed that almost 25 percent of ESA funding (over \$393 million) was spent on recovery efforts of the five threatened and endangered Pacific salmon species (Barnard, 2006).

There has yet to be a genuine attempt at collaboration to resolve this extremely contentious issue. Since 14 years of lawsuits have failed to resolve the situation, perhaps the adversarial parties may want to consider a more cooperative approach. A collaborative venture of this magnitude certainly would not be easy, and there are never any guarantees for success. It does seem unlikely that this issue, however, will be resolved through the court system given the dubious track record to date. Instead of focusing on the complex network of interests and values

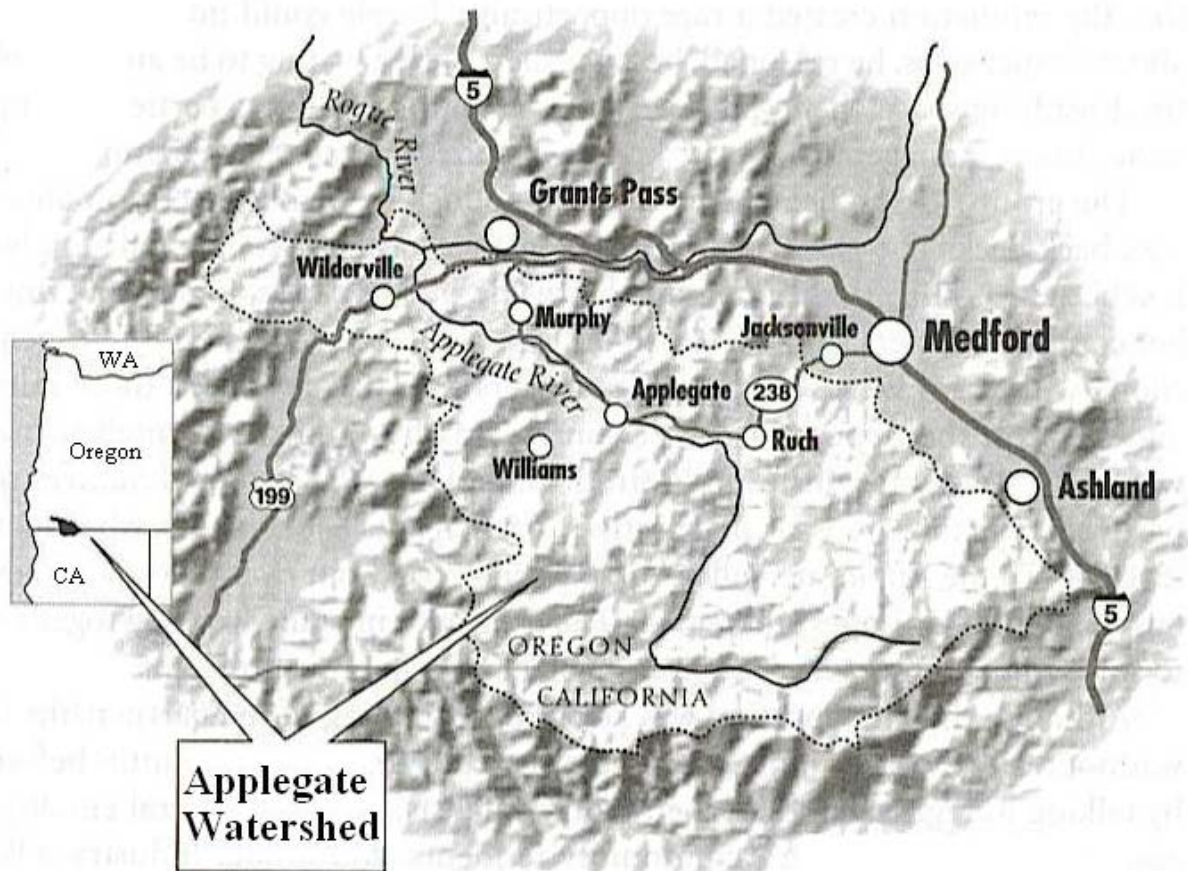
in this situation, it seems that the legal process has reduced the conflict to either one or two positions; either pro-salmon and anti-dam, or anti-salmon and pro-dam.

Through the adversarial process both sides have become so entrenched in their positions that they have not tried to discover their opponents' interests. It is much easier to wrap oneself in the position of one's group, while demonizing and vilifying the opponent as unreasonable. Perhaps there is a remedy of some kind to this situation that allows for the continued existence of some of the dams and assures the permanent survival of salmon. If these adversarial groups could meet in the pursuit of cooperation, and work to uncover the interests behind their respective positions, there may in fact be a remedy that is workable for all the parties – including the salmon. The next case study involves another extremely complex and controversial environmental issue that was approached collaboratively after countless legal battles had proven to result in an ongoing series of lawsuits. This case study demonstrates that it is possible to find mutually agreeable solutions to hotly debated matters when dogged perseverance and dedication to collaboration is pursued instead of adversarial methods.

### **The Applegate Partnership**

The Applegate Watershed was formed over 250 million years ago in the Klamath Geological Province (Applegate Partnership, 1992). The Applegate Watershed is located in present-day southern Oregon and northern California, and features rugged peaks and steep terrain (See Figure 3.1). The area encompasses roughly 496,500 acres and is home to various ecologically sensitive animals such as the northern spotted owl, the bald eagle, and the peregrine falcon (Applegate Partnership, 1992; KenCairn, 1996). The steep mountains and narrow valleys have also helped make the Applegate Watershed one of the most ecologically diverse areas in the American West (Koontz, Steelman, Carmin, Korfmacher, Moseley, and Thomas, 2004).

Figure 3.1 – A Map of the Applegate Watershed



(Moseley, 2001).

### *A Brief History of Human Activity in the Applegate Watershed*

In the 1850s gold was unearthed just south of the Applegate Watershed and that discovery brought many prospectors and miners into the remote region (KenCairn, 1996). Around the turn of the 20<sup>th</sup> century, the gold deposits in the area ran out, but many people who came to look for their fortunes stayed in the area to ranch, farm, and harvest timber. Early federal management of the region's forestry activities mandated that the logging be both low-impact and low-intensity. After the 1960s, the federal timber harvest management practices



switched to more extensive use of clear-cuts so that the number of board-feet being produced in the area could be increased (KenCairn, 1996). Concomitantly with the revised harvest strategy, the federal government imposed a strict fire suppression philosophy in the Applegate Watershed intended to protect the area's valuable stands of timber (Applegate Partnership, 1992). Decades of clear-cuts and active fire restraint have greatly altered the original composition of the vegetation present across the Applegate region. The changes induced in the vegetation have had negative impacts on the flora, fauna, and on water quality and quantity.

Environmental activism in the 1970s and 1980s focused growing opposition to the clear-cut and fire suppression forest resource management policies carried out in the Applegate Watershed, and in the Pacific Northwest in general. Tensions in the Applegate Valley grew during the 1980s as environmental activists blocked timber sales and challenged forest plans through appeals and litigation (Preister, 1994; Koontz, et al., 2004). The long-simmering problem became a crisis in 1991 when United States Federal Court Judge William Dwyer of the Western District of Washington stopped all logging activities on federal land to allow the United States Forest Service and the United States Fish and Wildlife Service time to adopt a strategy to protect the northern spotted owl, which was listed as endangered under the ESA (Moseley, 2001). Local environmentalist Jack Shipley seized upon the opportunity occasioned by the Judge Dwyer's ruling to create a partnership to help manage the land within the Applegate Watershed (Koontz, et al., 2004). Since people could no longer fight over timber sales, Shipley figured the various parties might be amenable to another approach towards timber management besides litigation and adversarial processes (Michaels, Mason, and Solecki, 1999).

### *The Beginning of the Applegate Partnership*

The first official meeting of the various parties was held as part of a potluck dinner on Shipley's deck in October of 1992 (KenCairn, 1995; Moseley, 2001). Most of the major interests represented in the escalating battle in the Applegate Watershed were present at the potluck. Representatives from federal agencies, environmental groups, timber companies, farmers, ranchers, county government, and local residents all attended Shipley's inaugural meeting (KenCairn, 1996; Koontz, et al., 2004). This first gathering was seen as very successful by most people in attendance, and the group decided to form a permanent association called the Applegate Partnership to help resolve the seemingly irresolvable land management controversies that had long plagued the area.

After a couple more such meetings, the Applegate Partnership group decided to designate a core nucleus of nine members, plus an additional nine "alternates" representing a broad array of interests in the Applegate Watershed. Original membership in the Applegate collective was a crucial issue because the parties did not want to exclude anyone, but at the same time they wished to keep the number of participants at a reasonable level to facilitate frequent interaction (Johnson and Campbell, 1999; Lange, 2001). The nine original members of the partnership were: Chris Bratt, a local environmentalist; Dwain Cross, a co-owner of two sawmills; Dan Goltz, a timber manager of a sawmill; Brett KenCairn, a co-founder of a sustainable forestry and ecological restoration group; John Lloyd, an Assistant District Manager for Resources for the Bureau of Land Management (BLM); Mario Mamone, an employee of the USFS; Su Rolle, Applegate District Ranger for the USFS; Jack Shipley, a local environmentalist; and Connie Young, a local cattle rancher (Applegate Partnership, 1992). The diversity of opinions and interests represented is among the strongest aspects of the Applegate Partnership, and this is

what allowed the group to have such a powerful effect on many local natural resource management issues (Johnson and Campbell, 1999; Weber, 2003).

The mission statement of the Applegate Partnership asserts the following:

The Applegate Partnership is a community-based project involving industry, conservation groups, natural resource agencies, and residents cooperating to encourage and facilitate the use of natural resource principles that promote ecosystem health and diversity.

Through community involvement and education, this partnership supports management of all land within the watershed in a manner that sustains natural resources and that will, in turn, contribute to economic and community well-being within the Applegate Valley (Rolle, 2002: 2).

The divisiveness of the issues in the watershed necessitated that the first few meetings be held in private. The Applegate Partnership decided from the outset that they would only focus on issues and values, and not debate rival positions. The group adopted two mottos to further instill a partnership ideal; “NO THEY” and “Practice trust, them is us.” These two expressions became popular rallying cries for the group to work together (Moseley, 2001; Koontz, et al., 2004).

After a few months of meetings, while the group’s goals became more clearly defined and a modicum of trust among members of the party had been established, the Applegate Partnership opened their periodic gatherings to any and all that desired to participate (Sturtevant, and Lange, 1996). The only condition placed on attending the meetings was the promise to be willing to work towards a mutually agreeable management plan for the watershed. The

Applegate Partnership members also engaged in field trips to various areas of the watershed to help create common ground among the different interests involved. The slow, difficult, and challenging collaborative process helped the partnership move beyond relying on the federal management of the watershed toward the establishment of a plan that included all of the local interests. Eventually, the Applegate Partnership pushed the USFS and BLM to focus on the entire ecosystem of the watershed, including the flora, fauna, and water resources when developing their respective agency management strategies (Weber, 2003).

#### *Problems for the Applegate Partnership*

Not only did the Applegate Partnership face the typical internal barriers to success, such as effective time management, intra-party bickering, and periodic threats to leave the group, but they also faced significant external threats as well. In December of 1992 the Applegate Partnership invited the regional directors of the USFS and the BLM to tour the watershed via helicopter and attend a meeting (Sturtevant and Lange, 1996). After flying over the watershed and telling the directors about the partnership's management plan, the first question asked by the USFS director was "Who gave you the authority to do this?" (KenCairn, 1996: 266). Federal natural resource agencies were not structured to work cooperatively with local interest groups, and many departments have considered local partnerships to be a threat to their agencies. In response, the representatives of the Applegate Partnership argued that the federal agencies could "pay now" and agree to participate with local parties or they could avoid the Applegate Partnership and attempt to unilaterally manage the local lands, get sued by the various groups involved, waste millions of dollars in lawsuits and "pay later" (Koontz, et al., 2004).

The spirit of cooperation among the federal government agencies and the local interests that arose in the Applegate Watershed garnered serious attention from the Clinton

Administration. The Applegate Partnership story had become so well known that the Secretary of the Interior Bruce Babbitt attended one of their meetings and was impressed by the group's apparent sophistication and civility (Moseley, 2001). The White House respected the Applegate Partnerships program to such an extent that when Clinton announced his 1994 Northwest Forest Plan (NWFP), under "Option 9" he created ten adaptive management areas where other strategies for forest management, such as participation by local groups, could be utilized by the federal agencies in charge (KenCairn, 1996).

Not everyone in the region, however, was pleased with the Applegate Partnership or their ideas. Angered by some of the elements of the NWFP, timber and environmental groups both relied on a little-known law to appeal the Clinton Administration's plan (Hibbard and Madsen, 2003). The frustrated parties sued under the 1972 Federal Advisory Committee Act (FACA). FACA's mandate stipulated that federal agencies could meet with non-agency groups to supply the federal government with advice about their actions, but only under specific conditions and only in an advisory context (KenCairn, 1996). In response to the lawsuit, the White House forced all federal agency group representatives to resign their formal membership in the Applegate Partnership (Koontz, et al., 2004).

This move could have signaled the end of the partnership and all of its progress, however, the removal of the federal agency personnel instead only strengthened the communication and willingness of the group to move forward (Preister, 1994). In time, the White House modified its interpretation of FACA, and allowed federal agency representatives to participate in the Applegate Partnership as long as the final decision-making authority rested solely with the appropriate department official (Moseley, 2001). Beyond this noteworthy success, there were other signs of partnership advancement in the watershed.

### *Additional and Continued Success of the Applegate Partnership*

A prime example of the community building and communication philosophy of the Applegate Partnership occurred when some local fishermen complained about the cattle waste emanating from a stockyard entering a stream (Weber, 2003). The fishermen initially wanted to involve the U.S. Environmental Protection Agency and the U.S. Department of Agriculture to have the owner move his cattle to another location. The Applegate Partnership decided not to seek the assistance of the federal government agencies because most likely the problem would simply move to another stream or the economic asset of the stockyard would leave the community.

In lieu of tattling on the owner, some members of the Applegate Partnership decided to contact the stockyard proprietor and explore the situation further with him directly. The owner revealed that he was also concerned about the ecological troubles created by his cattle, but had neither the knowledge nor funds to correct the problem (Weber, 2003). In due course \$17,000 was raised locally to help retrofit the stockyard with berms and the construction of a healthier riparian area, and some of the fishermen actually helped plant trees as part of the pollution prevention effort. The solution arrived at by the Applegate Partnership and the cattle owner was only a temporary measure to be sure; however, all the parties built trust and established solid relationships, and they all overcame the typical stereotypes that serve as barriers to effective collective action.

The adversarial process could have remained in the Applegate Watershed after Judge Dwyer mandated that logging cease in the region until the USFS and USFWS created a viable plan to protect the endangered northern spotted owl. This situation had been just as contentious

as the Columbia and Snake River salmon dilemma is today. Each case had concerns over local and regional economics, endangered species, local customs, and general ecological health.

In the Applegate Partnership scenario, instead of easily regressing into litigation and the tactic of delay appeals, Jack Shipley and the other members of the Applegate Partnership chose to persevere through numerous internal and external challenges. The group could have very easily abandoned the collaborative approach after the FACA debacle, but opted instead to sustain their relationships and enhance communication while working together to improve their community. The Applegate Partnership created an inclusive decision-making process wherein all of the major interests active in managing their watershed were represented. This idea of all interested parties creating the rules for their own watershed is highly reminiscent of John Wesley Powell's proposed strategy for settlement of the American West from the 1880s. By no means is the Applegate Partnership a perfect collaborative process, nor will any cooperative venture ever be flawless; however, by using collaboration the Applegate Partnership was able to resolve a complex issue in a couple of years. In stark contrast the litigation in the Columbia and Snake River salmon situation has been ongoing since 1991 and shows no signs of letting up anytime soon.

### **Summary**

As demonstrated by the Applegate Partnership, and as illustrated in the Walla Walla ESA enforcement effort, the use of collaboration can be a very effective means of natural resource conflict resolution. Even if the end result of the collaborative process does not lead to a complete resolution of issues, collaboration generally increases communication, trust, and positive relationships that can be carried into the future. Instead of relying on stereotypes and

positional bargaining, collaboration allows for opposing groups to uncover the interests behind their positions and agree to the facts and circumstances in even highly complex situations.

For all of the benefits of collaboration in resolving complex environmental problems, the process is not a viable means of conflict resolution for *every* natural resource dispute. The traditional court process is very well understood and predictable to all groups involved in most natural resource conflict situations. Litigation also ensures a seat at the table for every group involved in the dilemma, no matter how small they might be. Additionally, the court process guarantees one primary winner and a loser. In a country where the typical attitude in any conflict is “just win baby,” attempting to collaborate with an opponent instead of trying to defeat them in court strikes many as perverse.

The Applegate Partnership and the Columbia and Snake River salmon case studies very clearly illustrate the potential benefits of collaboration and the known drawbacks of litigation. While each contentious and complex environmental problem erupted in the early 1990s, the Applegate Partnership collaboratively solved their issue in a relatively short amount of time; in contrast, after 14 years of litigation the Lower Columbia and Lower Snake River salmon dispute has continued to result in more lawsuits and a failure to restore the threatened and endangered salmon stocks.

The collaborative success of the Walla Walla ESA enforcement effort has mirrored the achievements of the Applegate Partnership, and it is this type of trust and relationship building experience that the WDFW wants to pursue with local citizens across the state when enforcing national and state natural resource and environmental rules and regulations. As demonstrated in the Introduction to this dissertation, the adversarial ESA enforcement effort utilized in the Methow Valley River Basin has severely lowered the levels of trust and respect of the citizens in



the area towards the WDFW. The enforcement goals of the WDFW will be much easier to attain if the agency had the respect and trust of the citizens of Washington state with whom they must work in specific locations for managing natural resource and environmental problems. It is because of this belief in the potential value of collaboration that the law enforcement branch of the WDFW is attempting to implement collaboration as a primary tool in the agency's arsenal for problem solving and conflict resolution.

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## **CHAPTER FOUR**

### **THE HISTORIC DIFFICULTIES OF PARADIGM SHIFTS IN AMERICAN POLICE DEPARTMENTS**

#### **Introduction**

The two previous chapters explained why the law enforcement division of the WDFW is incorporating a collaborative approach regarding natural resource disputes into its repertoire of methods to manage natural resource problems, and explored the reasons why the cooperative problem solving approach is typically very challenging and often quite time-consuming. Unfortunately, there is the potential for additional difficulties to arise as the WDFW attempts to implement collaboration as a primary agency tool of problem management. In order to achieve effective implementation the administrative leadership of the WDFW has to be able to persuade the agency's law enforcement personnel to utilize the new collaborative philosophy in their work.

There is a significant relevant historical record concerning reform and adaptation on the part of American law enforcement agencies as they have attempted to implement new policing philosophies. This history can serve as a good source of insight into this study of the WDFW. Since the establishment of professional policing in the United States in the mid-1840s, there have been two major paradigm shifts within American law enforcement. The first philosophical adaptation to social change in American policing occurred in the early 20<sup>th</sup> century. In an effort to eradicate corruption and further professionalize the institution of policing, Progressive Era reformers improved law enforcement hiring practices with the introduction of civil service examinations, the establishment of uniform training procedures, and the adoption of standard operating procedures – all in an effort to legitimize police agencies in American society.

More recently there has been a second transformation in American law enforcement. Since the early 1980s, countless police departments have attempted to change the approach of their agencies and behavior of officers from the traditional crimefighting role to more of a community-oriented and proactive form of public service that promotes a partnership with the citizenry in a joint collaborative effort to reduce disorder and to lessen the fear of crime. The cooperative and partnership-building ethic of community-oriented policing (COP) is similar to collaborative problem solving in natural resource disputes, and the parallel between COP and collaborative problem solving will be discussed further in this chapter. While there has been unquestioned progress in the institutionalization of COP in the United States, there have nonetheless been numerous serious internal barriers encountered in many police departments seeking to adopt a COP approach in their work. Not every agency has faced the same concerns when attempting COP implementation, and for some agencies the transition to COP has been much easier than for others. In general, however, it can be said that organizational change within American policing institutions has been rather difficult.

### **A Brief History of Early American Policing**

A thorough and evenhanded examination of the history of American policing is clearly outside the scope of this research study; however, at least a brief exploration of this history is necessary to understand the reform efforts attempted by the institution of American policing. The earliest American police agencies were created in the mid-1840s (Johnson, 1981). These early law enforcement agencies were formed through local political offices, meaning that different police precincts within the same city could be controlled by separately elected politicians. The direct political control of the individual police precincts led to inconsistent police practices in hiring, promotion, and investigative techniques throughout the nation

(Johnson, 1981). Since these early police departments answered directly to the politicians, many of these agencies were utilized as part of crooked dealings and political campaigning; such practices ultimately led to rampant corruption within policing in many American cities (Haller, 1976; Vila and Morris, 2001). The decentralized organization of police departments tightly controlled by political influences continued largely unabated until the turn of the 20<sup>th</sup> century when major policing reform efforts were slowly instituted as part of a wholesale reform of American political institutions at all levels of government.

### *Progressive Era Changes to American Policing*

The Progressive Movement of the early 20<sup>th</sup> century sought social change in a wide array of American life, including the elimination of patronage-related corruption from all levels of American government (Adams, 1992: 364-365). In the early 1900s, American police were still highly corrupt and frequently manipulated by local political machines. Accordingly, the police tended to be viewed with contempt by the public, and the leaders of major social institutions did not view the police as a highly legitimate institution. To combat the endemic corruption, many Progressive reform administrators sought to remove the police from the politicians' direct sphere of influence. Additionally, many police leaders of that day wanted to increase the efficiency of their organizations, make their officers more professional, and increase the use of science in the pursuit of law enforcement goals (Johnson, 1981).

### *Civil Service Commissions*

In the early 1900s, one of the first substantive institutional changes made to address the widespread corruption in American police departments was the creation of civil service commissions (Fosdick, 1920; Fogelson, 1977). These citizen-directed oversight commissions were established to remove the threat of inappropriate pressure from politicians on the local

police departments. Civil service commissions were designed to ensure that politicians could not stack the police department with cronies, and would not be able to sway investigations towards political opponents (Fosdick, 1920). Civil service commissions were independent entities separate from the police agencies, and they were responsible for officer promotions, discipline, and the hiring and firing decisions made within the police organization.

Quite often, however, despite the best intentions of the Progressive reform advocates many civil service commissions were loaded with political allies loyal to the mayor and/or other politically connected persons. To alleviate this problem, police reformers prepared civil service rules which were clearly delineated so that political abuses could be readily spotted and reduced to a minimum (Fogelson, 1977). Even with the new civil service commissions and their volumes of rules, political influence did not entirely disappear from American police departments; however, many of the ills associated with political corruptness did indeed wane after the Progressive Era changes in policing were introduced. While the initial reform attempts to remove political pressure from policing organizations were vigorously opposed and only moderately successful, overt political control over police investigations, law enforcement policies, and policing practices did diminish and a more uniform “professional” cast was given to the law enforcement profession in America.

### *Hiring and Training*

Progressive Era reformers focused a good deal of attention on the hiring and training practices of law enforcement agencies. Since most pre-1900 police officers were political appointees, they generally had little formal education and received virtually no specific law enforcement training before beginning their jobs on the streets. Civil service commissions across the country developed new officer hiring protocols featuring three primary criteria focused on

the applicants' *physical constitution, mental health, and personal character* (Smith, 1925: 125-139). The standards associated with these hiring formulas were typically rather relaxed because the job of a police officer was not held in very high esteem; hence, law enforcement jobs were not pursued by the most well qualified men in American society at the time. Honest men, possessing collegiate educations without mental defects generally sought careers accorded high admiration by society, such as in the clergy, medicine, and the law (Smith, 1925). Policing was considered an occupation rather than a profession, so highly capable men characteristically did not pursue employment in local law enforcement departments.

Once someone hired on as a police officer, most law enforcement agencies offered no formal training (Fosdick, 1920). In most police agencies newly hired officers were expected to learn from the more experienced officers through on-the-job training. Only in very large police departments such as New York, Chicago, and Philadelphia were new officers required to attend organized training. In the few police training schools available, the curriculum was typically limited to police field work methods and arrest procedures, and training for the new officers only lasted for a couple of months (Fosdick, 1920). In contrast, by the early 1900s many European countries required their police officers to spend several months – and sometimes as much as two years – in specialized training before starting their professional law enforcement careers on the street (Vollmer, 1936).

#### *The International Association of Chiefs of Police*

Another important police reform effort was the establishment of the International Association of Chiefs of Police (IACP) in 1901 (Walker, 1977). The first president of the IACP was Major Richard Sylvester of the Washington, D.C. Police Department. One of his first goals in that role was to increase the effectiveness and efficiency of policing in the United States

(Carte and Carte, 1975). Many top figures in policing at the time shared the belief that police officers were performing too many diverse tasks largely outside the purview of public safety and crime prevention. Through the use of annual meetings, the IACP was able to greatly increase the level of communication among police chiefs around the nation and across national boundaries (Price, 1977). It was the enhancement in communication among law enforcement leaders that aided the IACP in creating uniform policies and procedures which defined “best practices” for police departments across the country.

### August Vollmer

Perhaps the most heralded and revolutionary police reformer of the Progressive Era was August Vollmer. Vollmer focused his reform efforts on centralizing the organization of police departments; this was an institutional change which he hoped would greatly lessen the opportunities for police corruption (Johnson, 1981). In 1908, as the Chief of Police in Berkeley, California, Vollmer created the very first collegiate education program for police officers at the Berkeley Police School (Carte and Carte, 1975). The education provided by the university was intended to enable the students to better serve the goal of public safety in their role as a law enforcement officer. Courses in photography, criminal evidence, criminalistics, and even sanitation law were taught at the school.

In 1916, Vollmer established a long-term relationship with the University of California at Berkeley (UC Berkeley) and created summer courses for policemen and university students that covered topics such as problems of crime prevention, advanced investigation methods, and criminology (Carte and Carte, 1975). In the noble tradition of the leaders of the Progressive Era, Vollmer emphasized the use of science in police work and advocated for the active support of police-related research. Vollmer is credited as being the first individual to use the polygraph,



and he was also a dedicated supporter of fingerprinting as a means of establishing the identity of criminals and promoting the apprehension of wrongdoers (Vila and Morris, 2001).

### Raymond Fosdick

Raymond Fosdick was another key early figure in the annals of American police reform. Fosdick had completed considerable research on European policing agencies and wrote a book on their highly centralized administration titled *European Police Systems* (1915). Fosdick later studied approximately 70 American police organizations and published a book in 1920 titled *American Police Systems*. In his second book Fosdick highlighted many of the flaws noted in American police agencies of that historical period. Shortcomings in departmental organization, administrative inefficiency, and recruit training were all thoroughly detailed. Fosdick was also cognizant of the difference in the philosophical approach towards policing which separated the officers in Europe from their counterparts in the United States. In Europe, policing was broadly viewed as a legitimate profession, and police officers pursued their craft as dedicated experts. In contrast, America policing was not considered a profession and its practice was not considered to be a science, and consequently the American police officers' performance tended to reflect a lackadaisical attitude toward their work (Fosdick, 1920).

Ultimately, a majority of the reform efforts championed during the Progressive Era – by the IACP, Vollmer, Fosdick, and others – failed to alter the organizational structure and goals of policing for a very long time (Fogelson, 1977). Although the level of political corruption in police departments was reduced, in many cases politicians and businessmen were too influential to be completely extricated from the policing world. The first wave of reform efforts was critical to eventual progress; however, the Progressive Era drive to improve American policing persisted

into the 1930s and 1940s. It was during a second surge of reform that many of the Progressive Era ideas were fully realized in American law enforcement.

### **The Second Wave of Reform to American Policing**

By the late 1920s and early 1930s, enduring shortcomings in American policing continued to be noted by leading experts inasmuch as many of the proposed remedies had yet to be effectively implemented. The Progressive Era drive to rid American police departments of political influence had resulted in uneven success across the nation, and many of the internal defects endemic to American police departments still had not been satisfactorily addressed. Undaunted, new reformers continued to pursue the professionalization of policing in America by focusing on the following problem areas: policing efficiency, organizational structure, police officer recruiting, and law enforcement basic training.

#### *The Wickersham Commission*

The most important document that galvanized public support for policing reform was a series of reports released by the The National Commission on Law Observance and Enforcement, which was also known as the Wickersham Commission because it was headed by George W. Wickersham who served as U.S. Attorney General under President William H. Taft (Walker, 1980). The Wickersham Commission was appointed by President Herbert Hoover in 1929 and published a series of 14 reports in 1930. President Hoover assembled the Wickersham Commission because police around the nation were struggling mightily with the enforcement of Prohibition, the escalating gang wars associated with the illegal sale of alcohol, and the rapidly rising national crime rate (Walker, 1980).

Of the 14 reports released by the Wickersham Commission, their 1931 publication of the *Report on Lawlessness in Law Enforcement* (RLLE) highlighted the numerous and continuing

misconduct problems within American police agencies and among their officers. The RLLE documented the claim that police officers were often using brutal and illegal tactics to gain confessions from suspects, and the report declared that the use of the “third degree” by police officials should be made illegal and subject to criminal punishment (National Commission on Law Observance and Enforcement, 1931). In 1936, in *Brown v. Mississippi*, the United States Supreme Court overturned the conviction of three black men who had been beaten and tortured into confessing to the murder of a white man. Bolstered by these two events, dedicated police reformers finally enjoyed solid public support to address police misconduct problems and institute important changes to the American policing landscape. Three of the most significant reformers in the national spotlight during this time were August Vollmer, his protégé O.W. Wilson, and J. Edgar Hoover.

#### *August Vollmer*

After stepping down as the Chief of Police in Berkeley, California, Vollmer continued his policing reform work as a researcher and professor at Berkeley from 1933 to 1937. He specialized in teaching courses focusing on criminology and police administration. The goal of Vollmer’s courses was not to train police officers, but rather to give students a general academic background of professional police work in a collegiate setting. It was during his tenure at Berkeley that Vollmer began to develop the belief that all police officers should be required to have a Bachelor of Arts degree to be properly qualified for police work in the United States (Vila and Morris, 2001).

Additionally, Vollmer published his most famous work on policing organizations and on the multiple roles of police officers in his book *The Police and Modern Society* (1936). Vollmer consistently advocated raising the entry level standards and the training received by all police

officers. In a stroke of ironic luck, police reformers actually benefited a good deal from the onset of the Great Depression. The high unemployment rate spurred many highly qualified men, who had been previously uninterested in law enforcement, to change occupations and pursue a career in law enforcement (Fogelson, 1977). This “new” group of police recruits easily passed the civil service examinations and met employment requirements, and they helped add credibility to the process of the progressive professionalization of policing in America.

### *O.W. Wilson*

O.W. Wilson once worked for August Vollmer as a police officer in Berkeley, California. Wilson was an ardent believer in Vollmer’s ideas, and helped to carry on the reform efforts after he became Chief of Police in Wichita, Kansas. Wilson served as Chief in Wichita from 1928 to 1939 (Bopp, 1977). During his tenure Wilson helped revolutionize the hiring practices of the department by incorporating psychological fitness assessments and intelligence quotient testing into the agency’s hiring process.

Wilson also established and personally directed a training academy that was attended by many future chiefs of police across the nation. So many future chiefs of police went to Wilson’s training that the academy was known as the “West Point” for American law enforcement (Bopp, 1977). The training techniques employed at the Wichita Academy promoted the new type of professional police officer. The chiefs of police who attended the Wichita Academy helped spread the innovative recruiting and training techniques discussed there around the nation. After he left Wichita, Wilson was responsible for establishing the well known criminal justice education model at San Jose State University (Vila and Morris, 2001). While studying in the criminal justice program at San Jose State, students could choose from separate options in law enforcement, corrections, and criminology.

Wilson's most lasting contribution to his impressive policing reform legacy was his book *Police Administration* (1950). In his book Wilson advocated the streamlining and unification of policing procedures and practices reflecting high professional standards in all areas of police responsibility. He outlined some new organizational formats for police departments to accompany traditional structures. Wilson was a staunch advocate for clearly delineated divisions within the agencies, and the separation of duties in the department was designed to ensure that no one individual possessed too much power. The organizational ideas laid out in his 1950 text are widely utilized by almost every current-day American police department.

Additionally, it must be noted that Wilson believed very strongly that the police themselves could maintain public order and eliminate crime in American neighborhoods if they were properly organized and adequately funded. He argued that an increase in the number of patrol officers would proportionately raise the level of police presence, and that increased presence would decrease – if not eliminate – the opportunity for crime (Wilson, 1950: 227-254). The theory that police alone could control crime would come to dominate the policing landscape for over two decades.

### *J. Edgar Hoover*

Another historical figure who helped give enormous credibility to the policing profession in the 1930s and 1940s was J. Edgar Hoover. Hoover was named head of the Bureau of Investigation in 1924 as the agency began to gain prominence as a premiere law enforcement agency by participating in the Lindbergh baby kidnapping case and pursuing the infamous gangster John Dillinger (Nash, 1972; Toledano, 1973). It was not until the 1932 Kansas City Massacre that Bureau of Investigation agents were authorized to carry firearms and given the power to arrest. Confusion between Prohibition and Bureau agents led to the agency's

permanent name change to the Federal Bureau of Investigation (FBI) in 1935 (United States Federal Bureau of Investigation, 1990).

After gaining national recognition as an official crimefighting organization, Hoover instituted revolutionary advancements in the arena of policing. In the 1930s, Hoover started the FBI Law Enforcement Bulletin, the nation's largest database of fingerprints, and the nation's first criminalistics laboratory known as the Technical Laboratory, where the FBI stored great amounts of information on guns, automobile tire treads, and transportation routes among other things (Vila and Morris, 2001).

Perhaps the most notable innovation to be credited to Hoover that profoundly affected American policing was the FBI National Training Academy. At the FBI Academy police officers from all over the nation were trained in the most current investigative techniques. More importantly, through the FBI Academy American police administrators and junior officers being groomed for future leadership positions were taught that their overriding priority as law enforcement leaders was fighting crime (United States Federal Bureau of Investigation, 1990: 18-20). It was this contribution by Hoover that significantly changed the way American police officers performed their jobs and helped address a nagging concern from the first round of police reform – namely inefficiency.

### *Inefficiency of Police Officers*

The first police scholars and reformers were rather troubled by the gross inefficiency experienced in the deployment of police officers (Fosdick, 1920; Smith, 1925; Vollmer, 1936). The responsibilities and duties of police officers were varied, and frequently fell into the category of public service provision as opposed to law enforcement. It was commonplace for American municipal police officers to be required to drive ambulances, run local jails, perform

fire watches, assist with sanitation, and issue licenses for ice cream parlors and dog breeders (Fosdick, 1920; Fogelson, 1977). Since police officers were required to perform so many tasks, as well as being responsible for the order maintenance and the crimefighting dimensions of law enforcement, it was understandable that many officers were rather ineffective at controlling crime.

Hoover's streamlining of police duties to focus on crimefighting greatly helped to alleviate the inefficiency and ineffectiveness concerns. Now police officers' prevailing duty was to control crime. Additionally, police officers sought rapid response to calls for service, and focused less on preventing crime and more on catching law breakers as soon as possible after the commission of a crime (Walker, 1992). Calls for various types of community assistance and services, once under the purview of police, were now the responsibility of other public service agencies. By the mid-1940s it is fair to say that independence from political power had been largely achieved, and the police "thin blue line" was institutionalized to set police apart from the public so that corruption would not take place in the form of favoritism and selective access to influence. As time progressed into the late 1940s and 1950s, the police, once a great source of civic contempt and mistrust, became highly respected and broadly perceived as a legitimate and trustworthy public institution.

### **The Emergence of COP**

The aloof, crimefighting "professional" police model of law enforcement dominated American policing until the late 1960s. Predictably, in due time, police departments throughout the nation were accused of being too detached from their local communities. The public was not viewed as a crimefighting partner by the police, but rather as an entity to be suspected of wrongdoing. Much of the hard-earned pride and respect gained by the police from the 1930s to

the 1950s largely evaporated in the turbulent 1960s. Although the problem with political corruption in police departments had subsided greatly, several new and equally disturbing troubles surfaced in the mid-1960s. The American public came to demand immediate corrective action to remedy the concerns of the many people who lost faith in their police.

### *The Problems of a Professional Police Force*

The great social unrest of the 1960s shined the light of inequality on many American institutions, including law enforcement. Civil disobedient actions associated with the struggle for civil rights erupted in urban riots in Detroit, Los Angeles (Watts), Newark, and Cincinnati, and bitter protests over the Vietnam War caused many Americans to begin to question conventional policing practices in place in the United States. While some citizens viewed the police primarily as honorable crimefighters, other people saw them as brutal state oppressors. Pictures and images of the police in the South battering and torturing peaceful civil rights protesters invaded American televisions in the early and mid 1960s. A soaring crime rate experienced throughout the nation only served to compound the public perception difficulties encountered by the police, and hastened the national plea for additional reforms to police procedures, tactics, and hiring practices.

### *Illegal Policing Tactics by Officers*

Numerous police chiefs across the nation were struggling to eliminate unlawful investigative tactics from their departments (Coles and Kelling, 1999). In truth, some police chiefs accepted illegal police conduct if they believed the greater public good was being served. In response to rising public concern over dishonest police conduct, the United States Supreme Court mandated improvements to police procedures, techniques, and inappropriately acquired evidence in criminal proceedings. Influential rulings in *Mapp v. Ohio* (1960), *Miranda v.*



*Arizona* (1966), and *Katz v. United States* (1967) greatly restricted police crime investigation procedures. The United States Supreme Court ensured through these rulings that police officers would be required to adhere to lawful methods. As important as those decisions were, the Court could only address a small fraction of the changes that were necessary to reform American policing further.

### *The Rising National Crime Rate*

The rising crime rate was a critical issue in the 1964 presidential election. The crime problem was so pervasive that in 1965 President Lyndon Johnson asked Congress to establish a commission to address the national crime dilemma (Coles and Kelling, 1999). President Johnson's request led to the formation of the President's Commission on Law Enforcement and the Administration of Justice. In 1967, the Presidential Commission released a report titled *The Challenge of Crime in a Free Society: A Report*. The report called for increased federal aid to state and local governments, but more importantly the Commission voiced approval of many of the Progressive Era reforms and validated the implementation of policies to reduce corruption, improve recruiting, increase the number of officers, and expressed the general belief that additional police officers could reduce crime (Coles and Kelling, 1999).

### *Hiring Minorities*

In an effort to address the rising discontent of racial minorities with police services, the report called for widespread changes to police hiring practices, especially in the nation's minority-dominated urban centers. An increased presence of minority and women officers was thought to be an effective way to alleviate some of the perceived (and actual) police misconduct occurring in urban areas, and to make police officers more representative of the neighborhoods they served (Vila and Morris, 2001). The passage of the federal Equal Employment Opportunity

Act in 1972 also helped hasten the possibility of hiring minority and women officers, although many departments resisted the forced changes in their workforce composition as much as possible. Despite this opposition, some noteworthy successes in the transformation of police hiring practices did indeed occur and in 1968 the first all-female squad car hit the streets in Indianapolis, Indiana (Fleming, 1975).

### *The Beginning of Reformed Policing Philosophies and Tactics*

Policing tactics, however, were even slower to change than the hidebound hiring practices. The idea of team policing emerged in the late 1960s and early 1970s, and that innovation was largely unsuccessful (Rosenbaum and Lurigio, 1994: 301). Team policing was intended to bring the community and police departments closer together in shared efforts to reduce crime. The police were no longer supposed to be exclusively concerned with catching law breakers, but were now expected to work with their community to try to prevent crime. The new policing concept was broadly viewed as a catastrophic failure, largely because of organizational factors and officer resistance (Angell, 1971: 186-188). Under the crimefighting philosophy, efficiency of operations was a major goal, and police departments were structured to achieve this objective. Police agencies structured for crimefighting, however, were not organizationally prepared to meet the new goals of team policing. Even though team policing was supposed to give rise to a philosophical change in the police mission, the organizational structure that favored crimefighting remained largely intact, ultimately leading to the eventual demise of team policing.

In the early 1970s a policing deployment experiment commonly known as the Kansas City Preventative Patrol (KCPP) was conducted to test O.W. Wilson's longstanding belief that a greater number of professionally trained police officers alone could reduce crime in a community

(Kelling, Pate, Dieckman, and Brown, 1974: 1-33). The researchers and the Kansas City Police Department administrators created three separate patrol districts inside the Midwestern city. The first patrol district would only respond to calls for service and would feature no proactive policing activities. Another district would maintain the normal number of police patrols. Finally, the third district would have a substantially increased number of police patrols. It was hoped that the third district with augmented patrols would produce a significant reduction in crime. Wilson's belief that the perception of police omnipresence could control crime had been accepted as established truth and advocated since the 1950s, and this idea was explicitly supported by President Lyndon Johnson's Commission on Law Enforcement and the Administration of Justice.

Unfortunately, after nearly a yearlong experiment the KCPP study demonstrated that proactive and saturated police patrols did not reduce crime. The authors of the report concluded that the police presence alone did not deter crime, and that the police needed to establish positive, prolonged community contacts to have any deterrent effect on criminal opportunities (Kelling, et al., 1974: 232-238). Wilson's theory, and the predominant philosophy of policing tactics for 30 years, had been largely invalidated in the KCPP experiment. The practice of crimefighting, however, had become deeply entrenched in American police organizations. Because of the presence of staunch administrative and line-officer support for the crimefighting paradigm, it took nearly two full decades to transform American policing practices from the professional and reactive policing model to more of a community-oriented, proactive, and problem solving police officer centered version of policing.

### *Academic Support for COP*

Policing academics were instrumental in aiding the philosophical shift from the crimefighting paradigm to the COP model. There is no one universally accepted definition of what COP is, or how COP should be implemented. The following explanation of COP, however, is one of the more comprehensive characterizations of the contemporary prevailing policing paradigm:

[c]ommunity policing is a philosophy and organizational strategy that promotes cooperation between people and their police. In community policing, the police and the community work together to identify, prioritize, and solve contemporary problems such as crime, drugs, fear of crime, social and ecological disorder, and overall neighborhood decay. Community policing requires a department-wide commitment from all police staff to the community policing philosophy (Lewis, Rosenberg, & Sigler, 1999: 568).

Similar to collaboration, COP generally features the police as accepting the public as full partners in efforts to solve local problems. Specifically with COP, the police and the citizens are trying to reduce disorder and minimize the fear of crime (Skolnick and Bayley, 1986: 220-226). Instead of individual police officers driving around isolated in their patrol cars for their entire shift, COP-oriented law enforcement officers are encouraged to incorporate community interaction and citizen input as a part of their public safety routine (Goldstein, 1987: 6-8). It is argued that by viewing the public as a collaborator in problem solving, the police can better identify criminal activity or behavior that does not match the community norm, and more effectively take a proactive attitude to prevent crime before it occurs. A key aspect to COP is

assuring the public “that the police [are more] engage[d] directly in dealing with the substantive problems of concern to the communities they serve” (Goldstein, 1987: 6).

Policing scholar Herman Goldstein (1979; 1990) recognized that past policing reforms were generally inwardly focused. The corruption, hiring, training, efficiency, and management issues of the past necessitated that previous reforms concentrate on the internal workings of the law enforcement organization (Goldstein, 1990: 14-20). Very few, if any, of the previous reforms, however, were particularly concerned with the “end product” of policing. Goldstein (1977: 243) compared the prior policing reforms to that of a private company studying the assembly line, employees, and productivity of the business, while the company remained unconcerned with the product coming off of the end of the line. He claimed that the police were still too unresponsive to the public they served. The police, Goldstein argued, should be problem solvers and attempt to prevent wrongdoing, not be so highly concerned with how to quickly respond to crimes already committed.

By the early 1980s there had been some minor philosophical musings and a few attempts to alter police practices towards COP in a couple of American cities. Policing researchers James Q. Wilson and George Kelling’s 1982 pioneer study of increased foot patrols by police officers in New Jersey added to Goldstein’s calls for further police reforms. The researchers theorized, before the study, that raising the number of foot patrols in select neighborhoods would reduce the level of crime there. Much like the 1974 Kelling et al. KCCP study, the more cops-less crime hypothesis was not supported. The New Jersey foot patrol study revealed that an increase in police foot patrol activity did not decrease crime at the neighborhood level. The research did, however, reveal that a greater number of foot patrols reduced the fear of crime among the citizens of the neighborhood where the police patrolled on foot.

Wilson and Kelling (1982) observed that major crimes appear to occur in areas where there was little interest in the neighborhood, and they created a new metaphor to explain the phenomenon now widely known as “broken windows.” According to the Harvard researchers, a broken window left unchecked encourages further damage; similarly, minor crimes that are not addressed by the police or the community can create not only fear, but can increase the likelihood of further crime and hasten neighborhood decay (Coles and Kelling, 1999). The results of the study revealed that in the areas where officers used foot patrols the residents “seemed to feel more secure...tended to believe that crime had been reduced, and seemed to take fewer steps to protect themselves from crime” (Wilson and Kelling, 1982: 424). Perhaps more interestingly, Wilson and Kelling revealed that the police officers assigned to the foot patrols had an increase in their job satisfaction associated with the experiences they had while on foot patrol. Sparked primarily by the research of Goldstein, Wilson, and Kelling the concept of COP was transformed from interesting academic speculation to an on-the-ground philosophy in many law enforcement agencies around the country.

### **The COP Revolution**

As with previous reform in American policing, the paradigm shift from the professional policing model to a COP version of law enforcement did not occur as a smooth transition in police agencies; in fact, numerous police departments failed in their primary attempts to implement the COP model. Fortunately, not all police agencies faced similar implementation problems (Guyout, 1979; Rosenbaum and Lurigio, 1994; Trojanowicz and Bucqueroux, 1990; Grinc, 1994; Eck and Rosenbaum, 1994; Greene, Bergman, and McLaughlin 1994; Rosenbaum, 1994; Sadd and Grinc, 1994; Weisel and Eck, 1994; Zhao, 1994; Zhao, Thurman, and Lovrich, 1995; Gleansor and Peak, 1996; Cordner, 1997; Stevens, 2001). Most of the implementation

obstacles encountered during the philosophical shift to COP were generated either by line officers or by officers with a supervisory role. The literature on organizational change associated with COP indicates that there are six well documented officer-level and organizational structure complications that typically frustrated attempts to implement COP: 1) negative officer attitudes; 2) a lack of officer training for employing citizen engagement contacts; 3) a lack of genuine administrative support and leadership; 4) problems in how the agency measures progress; 5) a lack of agency communication that serves to increase officer confusion over appropriate duties; 6) and an absence of community support (Skolnick and Bayley, 1986; Goldstein, 1987; Goldstein, 1990; Lurigio and Skogan, 1994; Rosenbaum, Yeh, and Wilkinson, 1994; Wilson, and Bennett, 1994; Rosenbaum, 1998; Lewis, Rosenberg, and Sigler 1999; Stevens, 2001; Cheurprakobkit, 2002; Cochran, Bromley, and Swando, 2002).

#### *The Attitudes of Line Officers and Supervisors*

Reform in any type of long-established organization is difficult to implement; but as previously noted, change in a policing agency generally takes years – if not decades. In prior police reform efforts, since most of transformations within the agency were occurring at the managerial level, the acceptance of the change by the individual line officers was less important than securing the agreement of the administrative leadership. The drive to professionalize police departments bestowed power, status, and acceptance upon the agency and its officers. A profession once riddled with “keystone cops” was reformed into an institution that garnered the respect of the public. Unfortunately, in the eyes of many police officers the shift to COP from professionalization was signaling a regression of police officers to a less elite status, and as a consequence there was a pervasive “attitudinal resistance among police personnel...about the

appropriate roles for police and citizens in the public safety domain” (Rosenbaum, et al., 1994: 346).

Ultimately, if line officers refused to accept the new COP model they might deliberately sabotage the attempted change, thereby resulting in the failure of the new paradigm (Allen, 2002; Cheurprakobkit, 2002). After attending a police academy and completing a basic training curriculum, newly commissioned officers are typically trained by a more senior officer from their own department called a field training officer (FTO). A study conducted by Lewis, et al., (1999: 577-581) revealed that individual officers with a high personal motivation were the most likely to accept COP. For those officers without a high personal motivation to accept change, a positive or negative attitude towards COP by the FTO will have a significant impact on the new officer’s opinion of the new strategy (Trojanowicz and Bucqueroux, 1990). Glensor and Peak (1996: 15-16) have observed in their work that even young idealistic officers with substantial enthusiasm can be discouraged from COP by a pessimistic FTO.

Some veteran officers may resist the change to COP because implementing an innovative philosophy requires new training and tactics. Some research studies have reported that the length of an officer’s career has a negative correlation with his/her acceptance of COP (Lewis, et al., 1999: 577; Cheurprakobkit, 2002: 720-721). The length of an officers’ career is, however, frequently associated with older officers and officers that are in a supervisory role in the agency. Under the professional police model, the more experienced officers have already been trained, and COP forces them to learn an entirely new set of skills in the twilight of their career (Wilson and Bennett, 1994). The new definition of police responsibility is likely to frustrate veteran officers that have a set pattern of work duties and understand their role well as a crimefighter. Ultimately, the success of any possible organizational change is directly influenced by the



support, or lack thereof, of the individuals on the ground utilizing the new paradigm in their daily work. Without the acceptance of line officers (both new and experienced), the successful implementation of COP is extremely difficult in any organization (Sadd and Grinc, 1994).

#### *Training all the Officers within the Organization*

One of the main tools that can prepare a police agency for the shift to a COP philosophy and related operations is adequate training (Zhao, et al., 1995: 23). The state or perceived state of organizational readiness to implement COP has an influence on officer attitudes towards COP (Skogan and Harnett, 1997). In Brechi and Erickson's (1998: 18-19) study, the researchers found that departments that did not sufficiently train and equip their officers to implement COP suffered failure of the new strategy.

It is also important that COP training occur at all levels of the organization (Weisel and Eck, 1994: 269-270). When all levels of the agency experience the COP training, the new philosophy has a better chance to percolate throughout the entire organization and create a climate conducive to change (Roberg, 1994; Rosenbaum, et al., 1994). Ideally, the training of new officers will occur in the police academy, before new officers begin their patrol duties (Cheurprakobkit, 2002). If the rookie officers can learn about, understand, and accept COP prior to starting their careers, they will be more likely to resist the negative attitudes of senior officers. Training about COP not only enhances the officers' skills and duties, but also educates officers about their new role in the revamped departmental hierarchy (Zhao, Lovrich, and Thurman, 1999).

#### *Administrative Support and Leadership*

COP necessitates a thorough transformation of not only the philosophy of the department and the duties of the line officers, but also modification of the structure of the organization to

permit more of a participatory style of management (Wycoff and Skogan, 1994: 371). The organizational and institutional framework must be altered from the traditional bureaucratic model to a flatter, non-authoritarian archetype (Guyout, 1979; Greene, et al., 1994). An agency with a genuine COP focus will “flatten” the departmental hierarchy and create more opportunities for decision-making by individual employees. Under the well-established crimefighting model, the organization had a strong centralized decision-making focus. This type of operating philosophy was constructed to build a cohesive culture that would purposely shun outside political influences (Maguire, Shin, Zhao, and Hassell, 2003). This isolating culture, however, often breeds mistrust of the police administration by line officers. For successful COP implementation to be realized line officers need to have trust in their superiors (Allen, 2002).

A full discussion of the new COP philosophy, administrative restructuring, and new forms of officer training should all have occurred before a police agency attempts to implement the paradigm change that COP represents (Rosenbaum, et al., 1994: 332-335). Once all of these tasks are completed the police agency is in a state of “organizational readiness” and is in its most receptive state for the adoption of COP. Many police agencies attempt to fully implement COP before all the previously mentioned steps have been addressed. Incremental change affecting the entire department simultaneously has the greatest chance of successful implementation (Zhao, et al., 1995).

The actions and behaviors of the COP reform oriented police leadership during the process of change to COP are crucial. A lack of managerial support during the implementation period greatly increases the likelihood for failure (Cochran, et al., 2002: 510-512). Mid-level management support of the shift to COP is of paramount concern. The flattening of the agency reduces the amount of oversight and control of supervisors over the line officers, in addition

requiring the learning of new skills and practices. As previously mentioned, younger officers uncertain of COP will likely emulate their more experienced colleagues. For this reason, the acceptance of COP by mid-level managers vastly increases the likelihood of successful implementation of the new paradigm. It has also been demonstrated that the successful implementation of COP requires that the agency does not separate the COP officers from the rest of the organization (Sadd and Grinc, 1994). Isolation tends to breed contempt and misunderstanding between the COP officers and other police units. Non-COP trained officers tend to view the COP officers as lazy and/or fearful, and as being uninterested in “real” police work.

#### *Performance Evaluations of the Officers and the Agency*

Another factor that can impede the implementation of COP quite seriously is how the agency chooses to measure career progress of the officers and assess the achievement of department goals (Alpert and Moore, 1993: 267-269). Measuring progress refers to how the organization evaluates whether or not the officers are meeting their job goals and expectations and gaining competence in their profession. Under the crimefighting paradigm of policing, assessing officer progress and agency performance was a relatively simple matter. The crimefighting philosophy focused on officer and departmental efficiency in processing arrests after conducting productive investigations (Glensor and Peak, 1996). Agencies could utilize traffic citations, arrest rates, crime rates, and other measures that were easily calculated and could be compared to target goals.

Partnership building and cooperation between the police and community are emphasized in the COP philosophy; however, these activities do not lend themselves easily to such numerical comparisons (Greene and Taylor, 1988). Since the organizational goals under COP are markedly

different than those of the crimefighting model, the evaluation process of officers and the department must be altered as well. Using the COP philosophy, agencies must recognize officers that maximize their resources and work with the community to determine the effectiveness of their problem-solving programs (Glensor and Peak, 1996). Evaluation strategies should focus on citizen surveys that measure their fear of crime, responsiveness of the police, and the helpfulness of the officer problem-solving ability. Agencies that attempt to change to COP, but which continue to utilize traditional methods to measure progress, run the risk of alienating and confusing mid-level management and line officer personnel.

#### *Communication and Confusion within the Department*

A significant problem that can be debilitating to any organization is a lack of communication between the central administration and the lower levels of the agency (Sadd and Grinc, 1994: 104-105). Under the traditional, quasi-military police structure, line officers follow the command of their superior officers. With the COP strategy, however, line officers are afforded quite a bit more individual autonomy and decision-making ability than would be the case in the past. Poor communication from the administration to the line officers concerning the officers' goals and duties under COP frequently creates confusion, and officers tend to revert back to the traditional hierarchy of decision-making authority (Allen, 2002: 515-516).

Additionally, the term COP can have more than one meaning among police department members (Zhao, et al., 1999; Giacomazzi and Brody, 2004). “[C]onfusion over what COP really means has remained one of the most important organizational issues that hinder the full implementation of COP” (Cheurprakobkit, 2002: 179). In the past, even line officers with a rudimentary understanding of COP often had markedly different definitions of their responsibilities (Sadd and Grinc, 1994). The general lack of understanding over the new job

duties and the goals identified after the adoption of COP can sour officers' attitudes toward the fresh strategy. With limited support for COP from the line officers, serious implementation difficulties arise within the organization.

### *The Importance of Community Support for COP*

Part of the realization that a different approach to policing was necessary in America was the understanding that the police alone could not control crime (Kelling, et al., 1974; Wilson and Kelling, 1982; Skolnick and Bayley, 1986). Without the active cooperation of the citizenry the ability of the police to interact effectively with community-based groups is seriously constrained (Wilson and Bennett, 1994). Some researchers go so far as to argue that social order is maintained primarily by the community and not the police (Bursik and Grasmick, 1993). Fully utilizing COP "requires active participation, responsibility, and decision-making prerogatives by public and business leaders, residents, and church, school, and hospital leaders" (Stevens, 2001: p. 8).

In neighborhoods that already have trust in and respect the police who serve them, establishing working relationships is a relatively easy task to achieve. Some communities that have had poor relationships with police in the past may have an inherent distrust of the local authorities and not desire a closer association (Grinc, 1994). In these types of communities, police executives and community leaders will have to work diligently to build positive relationships and trust so that COP has a future (Reisig and Giacomazzi, 1998).

### **Summary**

Change in policing philosophies is not a new phenomenon for the American police. Throughout the history of policing in American there have been dedicated reformers who have sought ways to make American law enforcement more trustworthy, efficient, professional, and representative

of the communities they serve. The first two waves of policing reform efforts witnessed slow and difficult progress, but faced very little resistance from line officers because they received validation and respect from the changes advocated by reformers. More recent attempts to implement COP in American police departments have encountered significant resistance from line officers and their supervisors. Instead of enhancing the reputation of police officers, COP is viewed among some veteran officers as calling into question the authority and power of line officers. Additionally, the COP model of policing requires experienced officers to learn a new set of skills as their careers come to an end. This staunch opposition to COP from some rookie and veteran officers alike has poisoned many departments' attempts to implement the new policing philosophy.

It is highly probable that the law enforcement branch of the WDFW will also encounter some sort of officer resistance when the department attempts to implement collaborative problem solving in the agency. Many useful lessons have been learned from traditional policing agencies in their efforts to implement COP that could be beneficial for the WDFW as the agency attempts the paradigm shift to more primary reliance on collaboration. Not only does the WDFW have to contend with all of the potential problems from the policing angle, but must also cope with the unique situation faced by natural resource law enforcement officers. Even though the citizens of Washington state have expressed their desire to work collaboratively with the WDFW, the administration of the agency must be sure to win the approval of its law enforcement officers if the department's attempt to implement collaborative problem-solving is to be successful. The remainder of this dissertation will examine the research methodology, the data analysis, and recommendations emerging from this study.

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## **CHAPTER FIVE**

### **METHODOLOGY**

#### **Introduction**

As mentioned in the Introduction, this research study utilizes a grounded theory approach to understanding the opinions, thoughts, and feelings of WDFW law enforcement officers' regarding their agency's "paradigm shift" to gaining broadly-based compliance with resource-protective rules and regulations. Grounded theory was formalized in 1967 by Barney Glaser and Anselm Strauss as an extrapolation from previous work conducted by Park and Burgess (1921), Dewey (1925), Mead (1934), and others. A grounded theory approach seeks to form hypotheses about certain phenomenon and not simply test hypotheses or established theories (Glaser and Strauss, 1967; Glaser, 1992; Strauss and Corbin, 1994).

The grounded theory approach is inductive in character, and the resulting theory is derived from the study of the phenomenon it represents. That is, discovered, developed, and provisionally verified through systematic data collection and analysis of data pertaining to that phenomenon. Therefore, data collection, analysis, and theory should stand in reciprocal relationship with each other. One does not begin with a theory, and then prove it. Rather, one begins with an area of study and what is relevant to that area is allowed to emerge (Strauss and Corbin, 1990: 23).

In grounded theory, the data in question are the ideas and thoughts of the research participants. In this study, the WDFW officers' words and stories will drive the theory creation, not the researcher. Since grounded theory is drawn from the participant responses alone, the theory is

more likely to offer insight and understanding than a theory based on speculation (Glaser, 1993; Dey, 1999).

In the course of generating a theory, the hypotheses originate not only in the data, but through the entire research process as well (Glaser and Strauss, 1967: 21-44; Eisenhardt, 1989: 534-535). A crucial aspect of grounded theory is that the data are constantly analyzed throughout the research process to identify key categories and alert the researcher when *saturation* has been reached (Strauss and Corbin, 1990: 14-16; Glaser, 1992: 75-88). How saturation relates to grounded theory and its importance will be explained later in this chapter. For many social science researchers the process of analyzing data and forming possible theories during the data collection is viewed as atypical. In the context of grounded theory, however, the “process of data collection is controlled by the emerging theory” (Glaser and Strauss, 1967; 45).

#### *Selecting a Research Methodology Using Grounded Theory*

The methodology of most quantitative and qualitative research is fairly straightforward and universal across social science disciplines. Since grounded theory methodology is markedly different than traditional quantitative research, projects employing grounded theory cannot be evaluated using conventional methods. Because a grounded theory approach relies on the words, thoughts, and ideas of the participants to form a theory, any type of qualitative research method is appropriate for field data collection (Miles and Huberman, 1984: 36-41; Dey, 1999: 3-9).

#### *Guidelines for Participant Selection and Protection against Researcher Bias*

After the researcher has decided upon which phenomenon to study, research participants must be selected. There are many guidelines to grounded theory research; however, there are very few outright restrictions (Glaser and Strauss, 1967: 2-18; Turner, 1983: 334-335). As such, there is no rule that dictates how study participants must be chosen. The only caveat that applies

is that the researcher must be able to articulate clearly *why* the individual participants were selected to contribute in the study.

Grounded theory's inductive approach makes the prospect of researcher bias, or lack thereof, an important element to be considered when evaluating the products of the research (Corbin and Strauss, 1990). It is imperative that the researcher approach the project without bias, even though the researcher may have his/her own preconceptions about the outcome of the study. It is important that the researcher allow the participants' responses to guide the theory generation. The researcher needs to maintain analytical distance, yet also be keenly aware of the data so future information can be properly integrated into the theory (Turner, 1983; Glaser, 1992). For this reason, when researchers are utilizing interviews in their study, many find it beneficial to electronically record their interviews to lessen the chance of researcher bias tainting the participant's answers (Strauss, 1987; Glaser, 1993). By having the actual words of the participants recorded, the researcher does not have to rely on his/her memory or accidentally take any of the responses out of context.

#### *The Necessity of Researcher Flexibility and the Saturation of Data*

Since the data collected becomes the foundation of the theory generated, it is important for the researcher to maintain conceptual flexibility when interviewing his/her subjects (Glaser and Strauss, 1967: 35-43). Themes that initially seem to demonstrate great significance for the theory may disappear entirely as more participants are interviewed. Conversely, a concept that is originally absent from interviews may ultimately be shown to be germane to the final theory framework. The data collected from each interview must be constantly evaluated and compared to ensure depth and saturation. For this reason, if the researcher is using interviews in his/her study, there should be no *one* questionnaire present for every interview. As certain topics gain



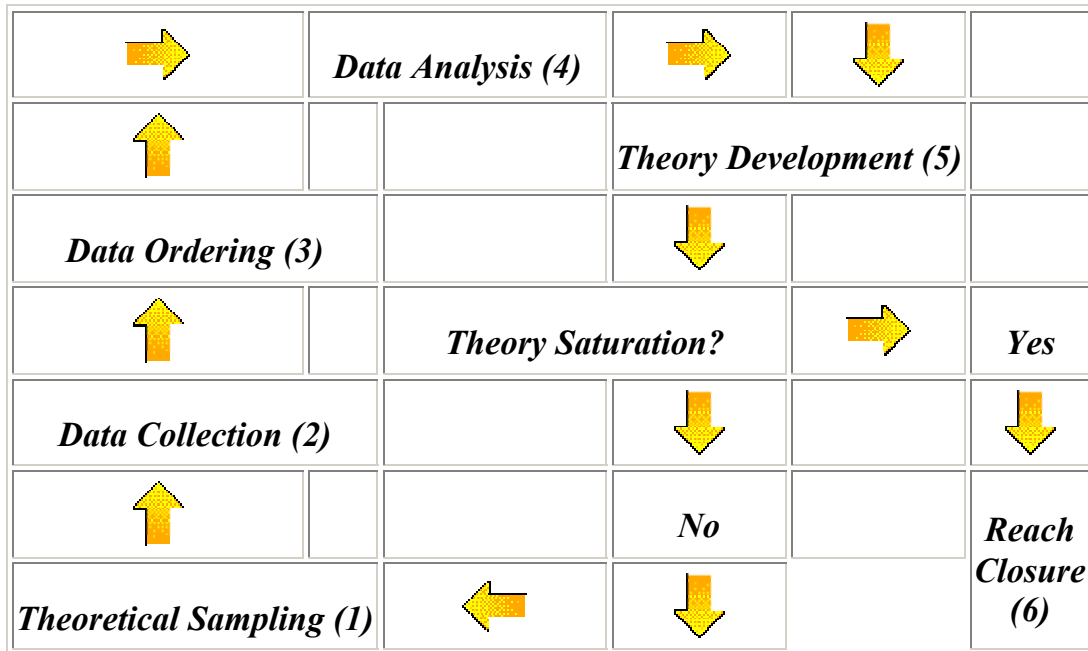
and lose importance, the questions asked of the participants should be altered so that the most relevant data can be collected from each subject (Martin and Turner, 1986; Strauss and Corbin, 1998). By having a constantly evolving questionnaire, the researcher is once again able to reduce the opportunity of personal bias dictating the concepts raised by the participants.

How the researcher determines if he/she has contacted enough participants and collected enough data to generate a theory is paramount to the grounded theory process. The very simple answer to that question is *saturation* of the data (Glaser and Strauss, 1967: 60-71). Saturation “refers to the stage at which categories seem to cope adequately with new data without requiring continual extensions and modifications” (Dey, 1999: 117). In the context of grounded theory research there are two types of saturation – namely the *breadth* and *depth* of the information provided. The saturation of the breadth of the data refers to the point when the participants are providing no new observations about the research topic. On the other hand, the saturation of the depth of the data refers to when all of the individual issues raised by the participants have been examined thoroughly, and the insight concerning the conceptual detail and theory generation in question has been exhausted.

Once saturation has been reached and no additional data are being found whereby the [researcher] can develop properties of the category...the category is saturated. [Once] one category is saturated, nothing remains but to go on to new groups for data on other categories, and attempt to saturate these categories also. As [the researcher] sees similar instances over and over again, the researcher becomes empirically confident that a category is saturated (Glaser and Strauss, 1967: 65.)

(For a graphic representation that illustrates how saturation of a concept would be reached and when data collection can end – See Figure 5.1).

Figure 5.1 – A Chart Detailing the Process of Concept and Category Saturation



(Pandit, 1996).

The first participants interviewed should be some of the most knowledgeable about the phenomenon being studied. It is hoped that these individuals will be able to provide a wide array of information about the topic. Based on the initial interviews, the researcher should be able to design a useful interview questionnaire. The researcher can stop contacting potential participants to be involved in the study when there are no new concepts being identified, and the concepts already highlighted through the research have reached the point of saturation. There are no rules delineating how many participants must contribute to the study or that a rigid questionnaire must be utilized in all interviews because saturation is the indication that the data collection phase is

complete. When the researcher is confident that saturation has occurred, the collection of data can cease regardless of how many participants were interviewed.

### *The Coding of the Data*

During the data collection the researcher may begin the coding process. Grounded theory relies on three data coding phases to help refine the information into useable and recognizable concepts and categories (Strauss and Corbin, 1990: 55-60). The three coding stages are known as *open*, *axial*, and *selective*. The coding processes help the researcher identify the main themes presented during and after the data collection. Since the first phase of the coding begins as the data are being collected, the researcher has the opportunity to alter his/her questionnaire to ensure that the most important ideas and concepts are being captured.

#### *Open Coding*

The first coding approach is called “open coding” (Glaser and Strauss, 1967; Strauss, 1987; Glaser, 1992). Through open coding, the researcher is attempting to identify broad concepts that appear in the data. The researcher should have no preconceived notions regarding any concepts that may be present, and should maintain strict neutrality while the data is being collected.

Open coding forces the researcher to identify and break down the data analytically (Martin and Turner, 1986; Glaser, 1992). During the open coding phase of research the data are constantly compared to one another for similarities (themes) and differences (potential subgroups). Through frequent reanalysis, the researcher can begin to separate concepts from each other and begin to form categories that contain a distinct group of concepts and sub-concepts. “Categories are not considered...as representations of the data but rather as ‘indicated’

by it” (Dey, 1999: 7). As some categories become more or less prominent through the interview process, they may be eliminated or incorporated into the final theory.

### *Axial Coding*

Once all of the categories have been identified, intense analysis around each one is performed in a process called “axial coding” (Glaser and Strauss, 1967; Strauss, 1987; Strauss and Corbin, 1990). Generally, axial coding does not commence until after all of the data have been collected. Axial coding can also be described as “a set of procedures whereby data are put back together in new ways after open coding, by making connections between categories” (Strauss and Corbin, 1990: 662).

Through axial coding the researcher can identify sub-concepts within each category. These sub-concepts can facilitate the eventual integration of the various categories into the final theory. Axial coding can also assist the researcher by relating categories to each other, and identifying themes that are important in the theory generation process.

### *Selective Coding*

Finally, after axial coding has concluded and all categories have been recognized, the process of “selective coding” can begin (Glaser and Strauss, 1967; Strauss and Corbin, 1990). The process of selective coding involves the identification of the one *core category*. Selective coding “systematically relate[s the core category] to other categories, validating those relationships, and filling in categories that need further refinement and development” (Strauss and Corbin, 1990: 116). The core category is also the foundation of the theory generated by the data. All of the other categories, concepts, and sub-concepts revolve around, and are intertwined with, the core category (Strauss, 1987: 69-75). “The core category must be the sun, standing in orderly systematic relationships to its planets” (Strauss and Corbin, 1990: 124).

According to Barney Glaser, the core category “accounts for most of the variation in a pattern of behavior” (Glaser, 1978: 93). Not only must the core category be central to the generated theory, but it must also be found as a recurrent pattern throughout the data (Dey, 1999: 110-113). The core category should also be sufficiently complex, meaning it takes more time to saturate in comparison to the other categories. Once the core category was been identified, the theory generation process can begin in earnest.

#### *The Constant Evolution and Predictability of Grounded Theory*

Theory generation is not a fixed process with “one” end result in grounded theory work. On the contrary, the process of theory generation is a never-ending reiterative endeavor (Glaser and Strauss, 1967). Obviously, interpretations of existing data by different researchers can lead to different theory creation outcomes. There is also the possibility of new data completely revolutionizing established theories. Researcher Ian Dey provides an example in this regard. Picture a wife believing in the long-standing assumption of the strength of her marriage only to find an unexplained hotel receipt in her husband’s pants pocket (Dey, 1999: 117-118). For social scientists utilizing grounded theory the problem of new information can be mitigated, however, through reasonable conventions associated with the data collection procedures. As the analysis develops, the theory “becomes more focused and the procedures for sampling and data collection become more circumscribed” (Dey, 1999: 118). Were this not to be the case, the phase of data collection would be so arduous and cost prohibitive that no researcher could use grounded theory in his/her work.

Most experienced grounded theorists would argue that all theories are properly thought of as provisional (Glaser and Strauss, 1967; Strauss and Corbin, 1994). As life and conditions change around a phenomenon, so will the theory. Predictability of a theory from the context of

grounded theory means that “if elsewhere approximately similar conditions obtain, then approximately similar consequences should occur” (Strauss and Corbin, 1994: 278). The overarching goal of grounded theory generation is less about general truth and more about practical adequacy in specific conditions (Dey, 1999). Researcher R. Andrew Sayer (1992: 130-135) argues that it is nearly impossible for the open conditions present in social science to replicate the degree of prediction possible in the closed systems of natural sciences. “The possibilities for accurate and reliable explanatory predictions for open systems are remote” (Sayer, 1992: 131). The predictive qualities of this research study are properly seen as limited, and should not be generalized to every law enforcement or natural resource agency. Natural resource agencies with a law enforcement division, however, may be able to glean valuable information about what to expect if they try to implement collaboration in their respective organizations.

### **Methods**

To collect the data for this research project, 43 WDFW law enforcement officers (41 male and two female) were interviewed by the researcher. The generally accepted number of participants to interview in a grounded theory research project is between 30 and 50 persons (Mertens and McLaughlin, 2004: 148-150). Only law enforcement officers were interviewed for several reasons; first, the past difficulties of organizational change from traditional policing tactics to COP provides a legitimate comparison of organizational struggles and challenges in the law enforcement arena. Second, to contact other divisions of the WDFW (habitat, fish, and wildlife) would prove to be too daunting of a task (in terms of time and cost) for a project of this scope. Third, the researcher’s primary interests are policing and natural resources, so limiting the scope of the project to natural resource law enforcement officers is the most educationally

and professionally rewarding. Details regarding the participant selection process will be examined later in this chapter.

Through the use of interviews in this research project the officers could use their own words and stories when answering questions or conveying their ideas. Per the guidelines of grounded theory, there was no *one* questionnaire used for every interview. The data provided by the participants were constantly reevaluated during the research and during the open coding process. As concepts lost and gained significance, the questions asked in each interview varied to reflect the emerging categories. Because of the wide variety of interview questions originally asked, it is inappropriate to provide the reader with every individual questionnaire used. The original template of questions asked is provided in Appendix 1, and a list of every question asked throughout all of the interviews is available in Appendix 2.

Every WDFW law enforcement officer was required to sign a Washington State University Institutional Review Board Human Subjects Form. The form provided a brief description of the research project, and by signing the waiver the officers were acknowledging that they were voluntarily participating in this study (See Appendix 3). The officers were guaranteed that any information they volunteered during the interview process would be kept strictly confidential. To reduce researcher bias, and preserve the integrity of the officers' answers, a digital voice recorder was used in each interview. Later, the recordings were transcribed by an experienced professional assistant into a paper document, and all references to any individual names or identifying traits were removed. The interviews were coded with a number that corresponded to each participant so the researcher could properly attribute the answers to each individual WDFW officer interviewed.

The interviews were performed between September of 2004 and February of 2006. The length of each interview varied considerably among the 43 WDFW law enforcement officers. The longest interview was one hour and 17 minutes, and the shortest was six minutes, with the average being approximately 41 minutes. In general, a positive attitude towards collaboration corresponded to a longer interview. Officers expressing a negative view toward collaboration tended to keep their answers rather brief. This researcher can attest from personal knowledge and first-hand experience that law enforcement officers who voice their disagreement with their quasi-military administration can face severe reprimands. The fear of sanctions from officers opposing their administration, and having these words recorded on tape, is the most likely reason for the brevity of some interviews. Considering the possible career difficulties faced by these dissenting officers, their trust and faith in the integrity of the researcher was appreciated.

### **The Process of Participant Selection**

The goal of grounded theory is to uncover important concepts and categories and identify common themes that can be woven together to generate a theory. In the case of this research study, the thoughts, ideas, and words of individual WDFW law enforcement officers are the chief data essential to develop a theory. As previously mentioned, the saturation of concepts and categories will dictate when the data collection phase ended. It is, therefore, unnecessary to contact *every* WDFW law enforcement officer. In order for the reader to be able to adequately evaluate the selection of participants for this study, it is crucial to understand the current organizational structure of the WDFW.

#### *Organizational Framework of the Law Enforcement Division of the WDFW*

As previously mentioned in the Introduction, the WDFW has divided Washington state into six regions (See Figure 1.3, p. 17). For those unfamiliar with Washington, the state is split



in half, west to east, by the Cascade Mountain Range. Accordingly, there are three WDFW regions in the west and three regions in the east portions of the state. The west portion of Washington features access to the Pacific Ocean, the Puget Sound, and the Strait of Juan de Fuca. Additionally, the western region of the state has many urban areas, dense human populations, and mixed evergreen forests suitable for timber harvesting. In contrast, the east portion of the state is semi-arid, largely agricultural, with many wide open spaces and a very low level of population density.

The duties of the WDFW officers vary by the region in which they work. On the westside, there are separate marine and land detachments. Marine detachment officers typically work on the salt water, enforcing the state's complex commercial and recreational fishing regulations. Land officers, in both the western and eastern portion of the state, enforce the other sections of the state's fish and wildlife laws. During busy fishing or hunting seasons, it is quite common for marine officers to work on land and for land officers to work out on the water. The lateral transferring of officers from region to region throughout the state and from marine to land duty is quite frequent. Because of the noteworthy fluidity of job duties and geographic assignments there is rather little difference in the work history or job experience of WDFW officers.

There is also a very small Special Investigative Unit (SIU) within the WDFW. There are two SIU units; one is located in Olympia and the other is housed in Spokane. The SIU is responsible for intricate wildlife investigations and is largely detached from the everyday operations of other WDFW law enforcement personnel.

Within the WDFW there are three levels of active law enforcement officers in the field in each of the six regions of the state. The ranks of these three levels of officers is listed in order of

lowest to highest, and is similar to the ranks found in many traditional policing organizations: line officer, sergeant, and captain. The assorted line officers in the field report to the sergeant, who in turn works under the authority of the regional captain. All six regional captains report to the Deputy Chief of Field Operations, and the entire WDFW law enforcement branch works under the ultimate authority of the Chief.

#### *The Selection of Officers that Participated in this Research Study*

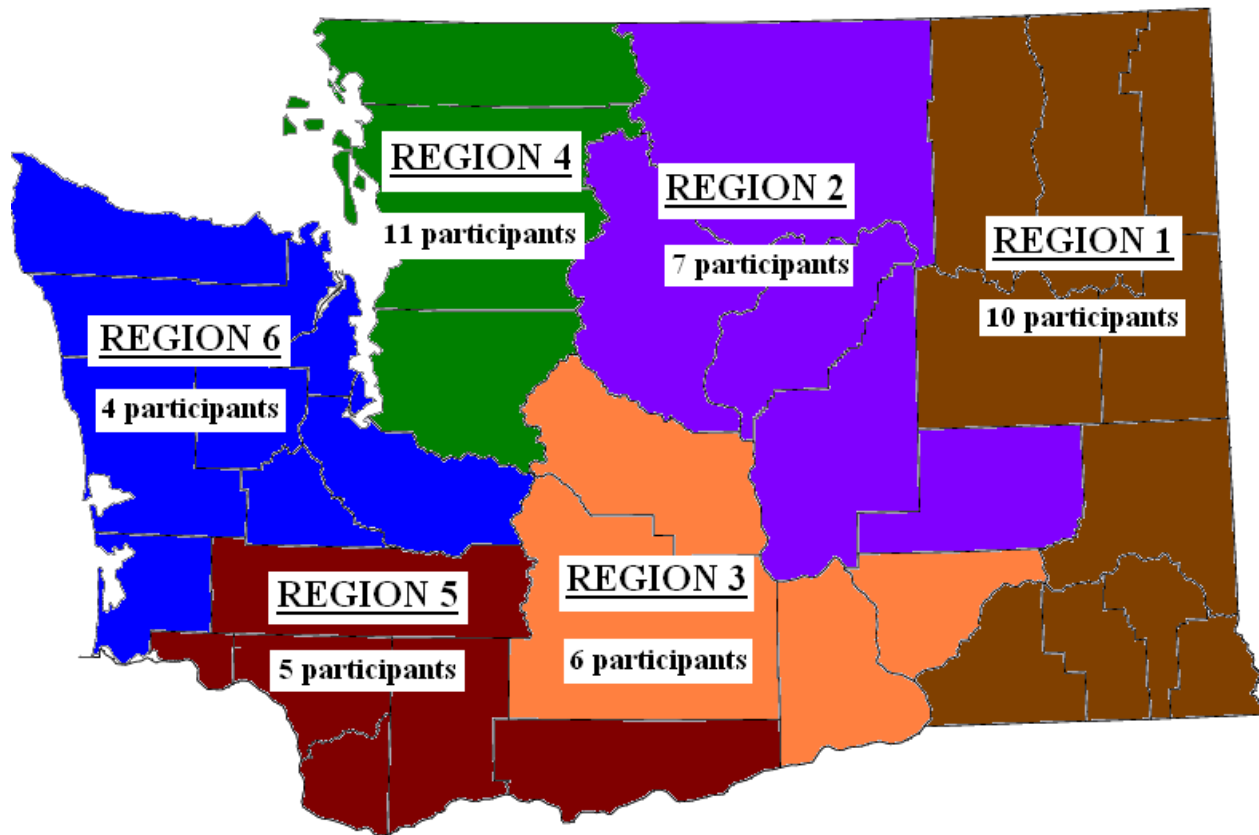
According to grounded theory, the most knowledgeable participants involved in the phenomenon should be contacted first to help provide a solid foundation for the future data collection process. In the qualitative research field this method of participant selection is known as the drawing of a purposeful sample. Persons selected for a purposeful sample are “people who are uniquely able to be informative because they are experts in an area or were privileged witnesses to an event” (Maxwell, 1996: 70). The officer responsible for the creation of the CCRP in the Walla Walla River Basin and the other officer who later assumed control of the CCRP were contacted before any other WDFW officers to aid in highlighting the most important concepts and categories to be examined during the remaining interviews. After a long discussion with each of these two officers, a preliminary interview questionnaire was formulated to guide the rest of the participant contacts.

In order to achieve a representative cross-section of WDFW law enforcement personnel, officers from different ranks and different regions within the state, and officers with varying lengths of service with the department, were contacted for interviews. Only those WDFW officers that actually have the opportunity to utilize collaboration in the field were interviewed for this study. Administrative WDFW officers in Olympia and SIU officers were excluded from

this research study because they will not have the opportunity to utilize the concept of collaboration, as explained in this dissertation, on a daily basis.

There were a total of 43 WDFW law enforcement officers that participated in this research study. From the eastern portion of the state there was one captain, five sergeants, and 17 line officers who were contacted – producing a total of 23 interviews. Additionally, from the western portion of the state there were two captains, six sergeants, and 12 line officers who contributed to the study – a total of 20 interviews (See Figure 5.2).

Figure 5.2 – The Geographical Breakdown of WDFW Law Enforcement Officers Interviewed



(U.S. Census Bureau, 2006).

The officers who were interviewed possessed lengths of service with WDFW that varied greatly. The average experience of the WDFW officers interviewed for this research study was 14.96 years, with the longest being 30 years and the shortest being five months. As to be expected, the

supervisors interviewed had longer careers with the agency, averaging 23.5 years; whereas the line officers' average was 8.88 years.

### *Convenience and Snowball Sampling*

As stated in the Introduction, the WDFW has spent almost \$84,000 over the past three years on the training of key staff in the theory and practice of collaboration. In the spring and summer of 2005, six training sessions were conducted in each WDFW administrative region in the state. It should be noted that this researcher worked as a member of the Natural Resource Leadership Academy (NRLA) training group; however, his role was limited to assisting with the venue set-up and the logistics of the training. At no time did this researcher present or serve as an instructor for any of the educational modules. A total of 28 law enforcement officers of all ranks attended these training sessions. The researcher contacted all 28 officers to participate in the interview process, and all but two of the law enforcement officers attending the training agreed to take part in this research study.<sup>3</sup>

By relying on researcher subjects that were easy to contact, the researcher utilized a *convenient* sampling method (Maxfield and Babbie, 1995: 208). To contact these officers at their respective work stations would have created an enormous burden for the researcher in terms of distance traveled, time, and cost. It was, therefore, *convenient* for the researcher to rely on WDFW officers participating in the NRLA training sessions for the bulk of the research sample.

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<sup>3</sup> Interviewing officers during the NRLA trainings did not create a threat to internal validity because the themes generated by these officers were consistent with the thoughts and feelings about collaboration expressed by officers who did not attend the NRLA trainings. Additionally, some of the officers who attended the NRLA training sessions volunteered, while some were ordered to participate in the training process. Again, the uniformity of ideas and attitudes about collaboration by all of officers attending the NRLA trainings reduced the threat to internal validity.

It is extremely important to note that the researcher did not ask the officers to evaluate the collaborative training assigned by the WDFW during the course of the interviews. Furthermore, the officers' opinions concerning this specific collaborative training are irrelevant to this research study. What was imperative, however, was the officers' opinions regarding the practical application of collaboration in the performance of their own job.<sup>4</sup>

All of the officers contacted were asked to provide the researcher with the names of other WDFW officers that might have been willing to participate in the study. This type of research method is referred to as *snowball* sampling. Snowball sampling is

[m]ost commonly used in field observation studies or specialized interviewing, snowball samples begin by identifying a single or small number of subjects, then asking that subject to identify others like him or her who might be willing to participate in a study.

(Maxfield and Babbie, 1995: 208).

The 26 officers supplied the researcher with a total of 20 individuals that might be interested in being contacted. Of the 20 names provided, 17 officers also agreed to contribute to the research and three declined. Most often, the officers who decided to not partake in this research study cited serious time constraints.

Of the 43 interviews conducted in this study, 37 were performed in person and the remaining six were carried out over the phone. The 26 officers who were interviewed while attending WDFW-sponsored collaborative training were interviewed before the day started,

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<sup>4</sup> As will be discussed further in the Data Analysis section, almost all of the WDFW officers who attended the NRLA training did not find the information useful; however, a majority of the officers still found the concept of collaboration to be very beneficial for their profession.

during breaks, lunch, or after the end of the day so as to avoid interrupting the instructional modules. In two situations, because of time constraints and officer availability, group interviews of three officers each were performed.

In both group meetings, the officers voluntarily chose to be interviewed together. In one group session all of the participants held the rank of line officer, and in the other group interview all of the officers were supervisors. The fact that all the officers held similar status within the agency allowed the free exchange of information without fear of retaliation from more senior officers. The use of group interviews in this fashion is consistent with grounded theory because the officers had the opportunity to express their opinions in an open and supportive forum. It should be noted that the officers suggested the use of a group interview, and all of the officers appeared very comfortable in providing candid responses to the questions asked.

### **Summary**

The use of grounded theory in a research project can create substantial confusion among reviewers of the study. Because grounded theory is so infrequently employed in Criminal Justice it is not well understood, even by the most gifted academics. Additionally, the lack of specific rules applicable to grounded theory only furthers the frustration in trying to evaluate a given research report. The absence of set rules, however, allows the researcher great latitude to formulate and execute a study that captures invaluable qualitative information to be used when generating an evidence-based theory.

In this research study, 43 WDFW law enforcement officers were interviewed concerning their thoughts on the agency's impending shift to collaborative problem solving in certain controversial natural resource rules and laws. Per the methodology of grounded theory, all interviews were captured on digital voice recorders and professionally transcribed to help

diminish the opportunity for researcher bias to permeate the participants' responses. The most knowledgeable WDFW officers regarding collaborative problem solving were interviewed first to help in the creation of a questionnaire to be used during subsequent officer contacts. After the purposeful sample was used, the researcher relied on a convenient and snowball sample to contact the remaining participants. A wide variety of officers participated in the research study; officers from the western and eastern portions of the state, with both supervisory and non-supervisory roles, and with varying years of experience on the job were all represented in the study.

During the open coding process, as certain concepts gained and lost importance during the interviews, the interview protocol was modified to capture the most salient points generated by the officers. The data collection process ceased when the information provided by the officers reached saturation, meaning no new concepts were being described, and the depth of the information had been exhausted. After the data collection ended, axial coding helped organize and group the interview data into broad categories. Following the identification of all the categories of data, the selective coding process identified the core category of this research. The following chapter will reveal the categories of information provided by the WDFW officers, as well as disclose the core category used for theory generation.

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## **CHAPTER SIX**

### **DATA ANALYSIS**

#### **Introduction**

As explained in the last chapter there were, and continue to be, many impediments to the successful implementation of COP in many tradition-bound police departments. Some of the implementation problems associated with COP may prove to be significant obstacles for the WDFW as the law enforcement division within the agency attempts to implement a broader use of collaboration. This chapter will analyze the information provided by the 43 WDFW law enforcement officers during their interviews, and generate a tentative grounded theory to aid in explaining the difficulties to be addressed by the WDFW in making its paradigm shift towards collaborative problem solving. There are a number of similarities between traditional police departments' problems concerning their challenges with the implementation of COP and the problems reflected in the views of WDFW officers concerning collaboration and what they perceive as potential difficulties for its successful implementation within the WDFW. There are as well, however, some crucial distinctions between the two types of problem sets, which will be examined in considerable detail in this chapter.

In accordance with the rules of grounded theory, all of the categories that emerged from the data were analyzed extensively by utilizing the open, axial, and selective coding processes. There were also various concepts and sub-concepts that were related to each category that will be explained in this chapter. How each category connects with, and is associated to, the core category will be carefully described. It is important to remember that “[t]he core category must be the sun, standing in orderly systematic relationships to its planets” (Strauss and Corbin, 1990:

124). Before mentioning the core category or the theory that seems to bind the data together, it is essential to understand the connections among all the categories and concepts.

#### *The Core Categories of Data Relating to the Thoughts and Attitudes of WDFW Officers*

In total there were nine separate data categories associated with the information provided by the WDFW officers' interviews, including the core category. In terms of understanding the categories in relation to the final theory, the categories are listed as follows: the officer's understanding of the term collaboration; the ability of collaboration to be an effective law enforcement tool; the likelihood of collaboration affecting the officer's job goals and performance; the potential difficulties in the use of collaboration by law enforcement officers; the reactions of WDFW law enforcement colleagues to the emergence of collaboration; the necessity of collaborative training for new WDFW line officers; the potential strain to WDFW officers and the department caused by collaboration; the difficulties created by the WDFW's performance expectations; and finally, the core category is the length of the career of the individual as a WDFW law enforcement officer. Each category and its concepts and sub-concepts will be examined on a separate basis as a distinct category before they are all examined in the context of the core category.

#### *The Officer's Understanding of the Term Collaboration*

Basic understanding of the term collaboration and how it will affect the agency is an essential requirement for successful implementation of the new paradigm into the WDFW law enforcement division. Unfortunately, it was evident that many of the officers interviewed did not understand the concept of collaboration, or only had a limited comprehension of the concept as an approach to agency problem solving in its organizational environment. It is important to remember that all of the officers interviewed were well aware of the research topic, and that 26

of the participants were actually *attending* a training session on the importance of collaboration in the natural resource field. Additionally, the NRLA training used the survey results of the Methow Valley River Basin and Walla Walla River Basin ESA enforcement efforts to develop some of the training curriculum, so the material presented in the NRLA training modules explained collaboration in the manner as it is understood in this research study. Within this category of understanding collaboration, there were three additional concepts that will be examined: a law enforcement only understanding; a WDFW only understanding; and a complete lack of how collaboration relates either to the WDFW law enforcement officer's daily work duties or the organization as a whole.

Collaboration, as explained throughout this dissertation and as utilized in the Walla Walla River Basin ESA enforcement effort and the Applegate Partnership, is a process whereby various groups with opposing interests come together in a series of meetings over an extended period of time to try and resolve a controversial natural resource problem to the satisfaction of all the entities involved. In an effort to convey his understanding of the term collaboration, one WDFW supervisor related the following story of a past problem addressed in his region and how the use of collaboration enable the agency to resolve the issue in a favorable way:

I'll talk a little bit about the [name of location removed] because that's one of my areas...where we had more of a collaborative approach to solving the problems. But rather than being one specific landowner who had problems, we had a number of landowners having [a] problem with elk, so there was a variety of ways to solve that [problem] and the constraints that I had, or at least the authority that I have, wouldn't have solved their problem with [elk] kill permits. Changes in hunting season

structures is what we really needed to solve the [landowners'] problems, so collaboration involved the enforcement program, the wildlife program, and then the local landowners in the area in coming up with a number of solutions to deal with their problems. The solution that we ultimately came to was a uh, kind of a continuation or a short, uh, it was a long [hunting] season but with, uh, short seasons to it, if that makes sense. What we did was issue special [elk] permits that lasted two weeks and so you had a two-week period for the general hunters to apply for, receive those permits, and then they had a two-week period to go in and hunt the elk – and we carried this on for about two to three months. So every two weeks you had a new set of hunters coming in, and so you had this sort of continual harassment and a new set of hunters with new approaches to wanting to kill an elk. So what we did was continually harass elk, harvest elk, and continue [this process] through the crop damage period. [As an agency] we put an officer in some of these smaller communities and have that individual essentially integrated into the community, he's got a family there, his kids go to the same school, he's in the grocery store, maybe goes to the same church, so we've got kind of an in-road already, assuming that officer's been able to establish himself and be a positive influence – or at least a positive reflection of the agency. We've got that officer as an influence into those areas where we have problems, and I think that's where, from an enforcement program, we deal uh, a little bit better than other WDFW programs. *Supervisor – 20 to 25 years of*

*experience with WDFW.*<sup>5</sup>

Many other officers of varying experience with WDFW also had a relatively complete understanding of collaboration, and how the practice can help with gaining compliance with contentious natural resource protective rules. Only a handful of these more interesting and enlightened opinions will be used throughout this chapter:

[Collaboration is] the attempt to bring groups together, various interests that hopefully want to work together to achieve the same means, vis-a-vis enhancing the resource and the habitat. *Supervisor – 25 to 30 years of experience with WDFW.*

[Collaboration is] getting stakeholders that impact my job, um, educating them, getting them involved in the process to where they participate [in the problem solving process.] When [other groups] participate at some level...they have an impact so...the time's constructive, what they do is meaningful. *Supervisor – 25 to 30 years of experience with WDFW.*

Collaboration is bringing together different interest groups – usually and most beneficially opposing interest groups – to work out a solution that is ultimately a compromise. Collaboration brings different groups to the table that have different interests and different goals. Collaboration is just a way to get folks to work together, instead of against each other.

*Line Officer – 0 to 5 years of experience with WDFW.*

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<sup>5</sup> Every officer's length of service is documented as a range to help protect the identity of the officer while at the same time providing the reader with a general idea as to the officer's degree of experience with WDFW.

Other officers only saw collaboration as a tool to be used with different law enforcement agencies. Typically these officers tended to have less tenure with WDFW than the previous officers. These officers did not want a closer relationship with the interested parties, the public, or any other entity in the course of their job duties. The failure to involve elements of the public which are ultimately affected by the decisions made by the WDFW has the potential for disaster, as witnessed in the Methow Valley River Basin ESA enforcement effort.

Being protective over fish and wildlife, that's what our mission statement is about, its working with Coast Guard on commercial fisheries patrol, working with Border Patrol on stuff coming across the border...

[Collaboration is] something that you learned as a tactic of a police officer

...I think it's a trial and error and ok, yelling and screaming at somebody to get my point across isn't gonna work, so I need to use effective verbal

techniques to get my point across. *Line Officer – 0 to 5 years of experience with WDFW.*

I think it's essential that you collaborate with various [police] agencies to get your job done. I work a lot locally here with the Sheriff's office

because it's a small community, uh, with limited staff. I'm [the only

WDFW officer] in the county, so I collaborate a lot with them, uh, I

scratch their back, they scratch mine. If I have a big, kind of big game

investigation, they provide the deputies and if I run across a drug situation

I provide them assistance in serving search warrants. *Line Officer –*

*10 to 15 years of experience with WDFW.*

Closely associated with the previous officers' opinions was a very small group of participants who viewed collaboration as a tool to be used only within the WDFW. This construction of the concept of collaboration holds that other law enforcement agencies and interested parties should not be included in the problem solving process. This type of exclusive attitude has been displayed by NOAA Fisheries for over 15 years in its unsuccessful attempt to delist threatened and endangered species Columbia and Snake River salmon.

I see the law enforcement's role as a secondary [one] in collaboration...[we] should probably be in the background. The proper use of law enforcement...[is] more of a follow up, when collaboration breaks down. *Line Officer – 0 to 5 years of experience with WDFW.*

Collaboration in our department is probably related to collaboration between the enforcement division and the biologists...we have to go back and talk with the biologists because they have a different understanding and perspective. *Line Officer – 10 to 15 years of experience with WDFW.*

When we collaborate we really do not [do so] with the public so much, but I see it as with other WDFW divisions. We get together on season recommendations, but there's really no collaboration with outside people.

*Line Officer – 0 to 5 years of experience with WDFW.*

The last collection of WDFW officers – almost all of whom were inexperienced officers – did not understand or really not know how to connect collaboration to their everyday duties. Some of the line officers believed collaboration should only be used by their supervisors. A lack of clear understanding about a new agency philosophy within the department could doom the implementation of collaboration as witnessed in the difficulty of implementing COP in the many



tradition-bound police departments, which were comfortable in their crimefighting-focused conceptions of policing. Typical of the “it’s only for the higher pay grades” attitude are the following three commentaries:

I’m thinking that maybe [collaboration is] useful for captains or you know, higher ups that tend to deal with, uh, bigger [fish and wildlife management] issues. *Line Officer – 0 to 5 years of experience with WDFW.*

It’s probably more beneficial for Captains or even Sergeants that tend to deal with more collaborative efforts, um, as far as [line] officers go, we just hop in the truck every day and we’re alone every day. *Line Officer – 0 to 5 years experience with WDFW.*

I can’t relate [to collaboration] honestly I mean we’re dealing with the offenders on a one on one basis the majority of the time...I mean I don’t really understand collaboration and how it’s gonna pertain to us. I mean I think [collaboration is] great for the habitat and the fish biologists because they’re always in meetings trying to come to a solution and we officers aren’t always part of those meetings. *Line Officer – 0 to 5 years of experience with WDFW.*

Even though some of these participants were attending a collaborative training workshop at the time of these interviews, several failed to grasp how collaboration can relate to the field of natural resource law enforcement. While many of the inexperienced officers were able to link collaboration with a teamwork strategy involving other law enforcement agencies or other branches of WDFW, their omission of the public and other interested parties is a cause for some

concern. Although numerous veteran officers had a rather clear understanding of collaboration and how the problem solving strategy can be used effectively as a law enforcement tool, the fact that many of the younger officers failed to see any connection of their profession with the public they serve is indeed troubling.

*The Ability of Collaboration to be an Effective Law Enforcement Tool*

Just because an officer understands the concept of collaboration, however, does not mean that he/she believes the tool will be effective in carrying out the duties of a law enforcement professional in the area of natural resource law enforcement. It is important for officers to appreciate the utility of collaboration as a legitimate law enforcement instrument if the new paradigm is to succeed in the agency. Officers that are indifferent toward or do not believe in the utility of collaboration may potentially undermine its effectiveness out in the field where the tactic might be used effectively to settle natural resource disputes. This category of comments features a wide range of passionate answers, but the vast majority of the officers interviewed expressed the belief that collaboration can play a useful role within the law enforcement division of WDFW.

These officers generally recognized the fact that collaboration can often help reduce tensions concerning a contentious environmental or natural resource management problem. Additionally, many of the officers interviewed realized that the somewhat typical traditional law enforcement attitude of “my way or the highway” is generally ineffective in resolving often intricate natural resource dilemmas affecting different people in different ways. One officer described the utility of collaboration to help make a broader positive impact for the “critters” managed by the WDFW in this way:

The collaborative process is a valid, um, tool, especially in some of

the hydraulics investigations that I personally have been involved in. [Hydraulics investigations] are oftentimes very...I mean extremely important. You can be talking about uh, you know, damage to a salmon stream that could potentially have...you don't know for sure, but could have impacted thousands of fish and so the importance of the hydraulics work or the hydraulics compliance is huge. I can work 10 hours on a hydraulics case and possibly you know, have a case that impacted thousands of fish versus maybe working 10 hours and catching one fisherman that did something wrong and so from that standpoint [the use of collaboration] has immensely improved the ability for me to protect resources. But on the other hand, um, those hydraulics investigations tend to be very sticky, very confusing, um, oftentimes the people don't have a intent to do harm, they're often very good, you know, community members and people that are just trying to protect their property and never think that they would need a permit to uh, keep their land from disappearing or keep their house from disappearing and so it becomes a very emotional issue. The prosecutors don't like the cases because they are confusing, uh, and they tend to be a...restriction on our rights, our property rights that we have, so I think the collaborative process is a good tool because it will hopefully improve how our communities deal with those issues and how they approach them – and I think it will hopefully reduce our hydraulics investigations and our hydraulics arrests. *Line Officer – 0 to 5 years of experience with WDFW.*

Most of the other officers agreed with the previous explanation concerning the usefulness of collaboration in the law enforcement profession. Typically, the recurring theme throughout these answers is the utility of collaboration in agency efforts to pacify groups with varying interests, similar to the Applegate Partnership, because the opposing parties were directly engaged in the problem solving process. Typical of this insight into collaboration are the following four commentaries:

You can't do this job without [collaboration] and you can't do the job alone, you know, so you need the good groups out there that follow and honor the good sportsman laws. You need the public keeping their eyes out for you and giving you information and assisting with poaching cases. It's important to have [the public] input because they have excellent knowledge, they've been in the area for a long time and they know the resource very well...a lot of times they have better ideas than us, the biologists, or management. *Line Officer – 0 to 5 years of experience with WDFW.*

Well, there needs to be a paradigm shift within agencies, particularly natural resource law enforcement. We don't always accomplish the broad goals that the agencies are trying to work toward, so these alternative approaches need to be institutionalized. The challenge for administrators is to develop a system that rewards people on a qualified group of engagements in collaborative processes. *Supervisor – 25 to 30 years of experience with WDFW.*

Well, collaboration in my opinion is nothing more than what game

wardens have been doing since the inception of game wardens, uh, the turn of the century. We live in these small town communities, we deal with a unique clientele and so collaboration is nothing new to conservation law enforcement. ***Supervisor – 20 to 25 years of experience with WDFW.***

Well, it's necessary to collaborate, to community police, to interact with the public, to solicit their input – you know – to buy-into solutions to community problems...because if you don't, and just go around enforcing rules and regulations with traditional hard core law enforcement – writing tickets and taking them through court and so forth – uh, you get the public's resentment, you know, especially on issues where we're not popular...if you've got a situation where there is a recurrent and obvious problem, it's not going to go away by using the traditional enforcement [practice] of writing citations and taking them to court.

***Supervisor – 25 to 30 years of experience with WDFW.***

A few of the WDFW officers interviewed thought that there is indeed a place for collaboration in the field of natural resources, but these officers were not sure that collaborative problem solving was a proper role for law enforcement officers to assume. These participants viewed the role of law enforcement officers rather narrowly – namely, exclusively dealing one-on-one with offenders. Another officer also called into question WDFW's commitment to collaboration in general, observing the following:

I don't know that [collaboration] will work, uh, because we're in such a dynamic and fast-paced world in law enforcement, things change by the minute and most of the folks that we deal with um, in our day-to-day

events, we aren't gonna need to utilize [collaboration]. I think there is a place for [collaboration], but most of our work in a large part is done one-on-one and so the collaborative aspect for us, I feel, uh, in our wide arena, won't really be a tool we could utilize that often.

[Collaboration] would be very beneficial and I think mainly to our habitat folks, and some of our fish biologists folks...I think, are more, better suited in a position to plan, strategize, uh, do some long term projects together. *Supervisor – 25 to 30 years of experience with WDFW.*

[Collaboration] could be [useful] in solving matters like elk damage and all that stuff, but right now I'm thinking about every day law enforcement contacts, and there's no use for it. *Line Officer – 0 to 5 years of experience with WDFW.*

For [collaboration] to be effective, first you have to get law enforcement to buy into it. I think that it is often presumed that the most difficult part is bringing the opposing sides to the table. Getting ranchers and environmentalists to sit down at the table to talk about things...we kinda assume the fish and wildlife agencies, the natural resource agencies in general, all agree that collaboration is a good thing and we just need to sell the public on it. But just from my very limited experience that's not at all the case. WDFW is very far from being sold on collaboration ...my first impression is that there are a few folks [in the administration] who are gung ho about it, but the lower ranks ranging from young new officers to old veteran officers are very far from being gung ho about

it. *Line Officer – 0 to 5 years experience with WDFW.*

Some officers interviewed were blatantly hostile towards the idea of collaboration being part of the role for a law enforcement officer. Some of these officers viewed the law enforcement division's role in collaboration as that of the heavy-hand to be used to force unreasonable dissenting groups or willful law violators into compliance with the law and duly derived rules and regulations. As experienced in the Methow Valley River Basin ESA enforcement effort, this type of limiting understanding as to the appropriate role of law enforcement can be very harmful to the agency's reputation in certain areas. In general, these officers understood the overall usefulness of collaboration, but they only supported the idea as long as they were not the individuals assigned to the task of meeting with other groups to engage in collaboration. A number of these officers believed that other divisions within the WDFW are better suited to use collaboration as a problem solving tool.

My problem with this whole concept [of collaboration] is...that cops do not want to collaborate very much. I mean to me the goals of enforcement are really simple...my job is to either write the ticket or not write the ticket, and I'm not a big collaborator when it comes to other programs, I mean I'm not. I've been in other programs, I know how they operate, they have a job to do...I mean I don't really look at solving problems by bringing other people into it. I mean its pretty simple for me...I just don't think in terms of collaborating to solve problems. I [collaborate] with my officers and...with other police agencies. I mean there's somebody else who makes those [collaborative] decisions and advises us that's how it's gonna work. I mean cops are fairly black and white people.

***Supervisor – 10 to 15 years of experience with WDFW.***

The habitat fellows need to go in first, adjust the problems, and then if there's a guy that's unwilling to [be involved] in any of those mitigative processes, then [law enforcement] come[s] in and [we] say hey, this is the bottom line, you have to do this or this [consequence] is gonna happen. We don't need to be there for the meetings, we can be there in the end... [Habitat] people can say this guy isn't gonna work with us, he isn't helping us out at all, can you go talk to him...then we can go and we can sit down and we can say hey, if you don't do a, b, and c, we're gonna have to do d; but [the trainers are] talking about us being involved from the beginning with the door knocking and the phone calling and all that stuff and I don't think that's appropriate [for law enforcement]. ***Line***

***Officer – 0 to 5 years of experience with WDFW.***

[Collaboration is] not a law enforcement deal...it's not what I really signed up for, it's hand holding, it's door knocking, and a phone calling deal and you know, its, and I don't think it belongs in enforcement or the training that we do...I think if I was assigned [to a collaborative project] I'd want to transfer [to a different region]. ***Line Officer –***

***0 to 5 years of experience with WDFW.***

I think that the enforcement role is a role that comes in after the collaborative process has broken down or has not worked, um, and I think that its probably somewhat counter-productive [for law enforcement] to be involved in the, uh, still workings of the process. ***Line Officer –***



***0 to 5 years of experience with WDFW.***

The majority of officers interviewed acknowledge the potential effectiveness of collaboration in managing wicked natural resource disputes. Many of the officers understood the role of law enforcement as one of many groups with a stake in the problem solving process. A vocal minority of officers, however, viewed the role of law enforcement as being inconsistent with collaboration throughout the entire problem solving process. Their core belief is that the primary duty of law enforcement officers is to handle violators in a one-on-one fashion. Such a narrow understanding of the proper roles and duties of a WDFW law enforcement officer would appear at once substantial and troublesome. While virtually any WDFW line officer's experiences will ultimately entail trying to locate and apprehend solitary violators, the absolute disregard for the idea of collaboration as an appropriate duty for line officers is definitely troubling for the future likelihood of the agency successfully implementing a paradigm shift toward collaboration. Additionally, numerous interviewees commented that if officers are supposed to be involved in the collaborative process, law enforcement should only be used as a tool by other divisions of WDFW to impose the will of the agency on the "ignorant" public. This approach has been demonstrated to be a dangerous mindset throughout this research study. It is wise to recall that many traditional police officers believed that crimefighting was their sole responsibility, and this narrow definition of the role of a police officer made the implementation of COP quite challenging.

***The Likelihood of Collaboration Affecting The Officer's Job Goals and Performance***

The opinions expressed within this category serve to highlight many of the differences which exist between officers that view collaboration favorably and those officers who do not. There were a wide array of opinions concerning how collaboration would affect the individual

officer's job goals and performance if it were implemented broadly within the agency. A few of the younger officers viewed a shift toward to collaboration as radically altering the goals and the nature of good performance in their job. Some of the more experienced officers, however, did not view collaboration as a new technique at all, but simply see it as a tool that has been used by natural resource law enforcement officers since the inception of the profession. Some officers who noted the positive aspects of collaboration in their profession also observed that the process can be extremely time-consuming and were concerned that inefficiencies could result. The time spent by officers involved in a collaborative undertaking will mean there are fewer officers in the field performing regular day-to-day duties, meaning in turn that there is more work for the remaining officers to manage. If the collaborative approach was successful, however, the time invested by the officer would likely reduce other calls for service to deal with similar problems in that area.

Game wardens have been doing collaboration at some level, you know, since the beginning of time, so I don't know that it's gonna affect my job goals at all. It's something that we've used inherently as an agency and as a program since I've been around...I don't think [collaboration will] change my goals at all because I've been using it in the past and will continue to use it and again...in the long run, it cuts down on the phone calls, the gripes, the bitching, that sort of thing; it makes your life a lot easier when you use this process. *Supervisor – 15 to 20 years of experience with WDFW.*

I don't think [collaboration is] a real big challenge within our agency, um, just because, with fish and wildlife because we, I mean a lot of it,

you have to do [collaboration], just because we work with so many different user groups and constituents that we really...I mean its just part of the job, we have to do it, so I don't think its, uh, I don't think there's the potential for a problem. ***Supervisor – 15 to 20 years of experience with WDFW.***

[Collaboration] does affect the efficiency and the, uh, effectiveness of the agency as a whole. I don't really see this collaborative process affecting the goals and expectations of the agency – however, I do see it being a tool in a bag [that gives us] the ability to interact within his community or her community, again that comes from a long line of doing that already.

***Supervisor – 20 to 25 years of experience with WDFW.***

We've been doing [collaboration]... for years and years and years, to a degree. When I came on in the 1970s, um, we were taught to use our tongue, you know, talk to people to um, [the job] wasn't just hard core law enforcement. I think [collaboration] can be learned behavior, but a lot of its, uh, it ain't for a lot of people. [Collaboration] makes life so much easier on this job to work with people and coming to solutions, um, when they're caught in compromising situations...Most of the time traditional law enforcement, you know, using citations to take care of the situation will work, but not always. ***Supervisor – 25 to 30 years of experience with WDFW.***

While many of the more experienced officers did not see the greater emphasis upon collaboration as a dramatic change to their job, many of their junior counterparts expressed

concern over the serious time investment necessary to make a collaborative approach successful. Similar to their more senior colleagues, some of the less experienced officers noted that using collaboration would increase the efficiency of their work by not having to constantly deal with a complex and potentially hostile situation. By including all interested parties in the problem solving process, everyone involved would likely be content with the ultimate cooperatively arrived at resolution, which would reduce the volume of calls for assistance over time.

Every guy in the field is important, whether it's a collaborative process or not. In a big hydraulics issue, if they work a big major investigation guys are gonna get pulled out of the field. If the issue warrants [collaboration], I don't see it as a problem myself. *Supervisor – 10 to 15 years of experience with WDFW.*

Collaboration generally is the best way to get things done regardless of the situation, but it takes far longer. *Line Officer – 10 to 15 years of experience with WDFW.*

[Collaboration] as an investigative tool for interest-based problem solving requires a significant, uh, investment of time and effort in order to do it, and do it well – and that can detract from an officer's ability to maximize output as opposed to influence outcomes. If [collaboration is] used properly it's gonna take time to get it done and do it right, and using that time or investing that time means that officers are not gonna be back out there in the field turning over rocks looking for other violations.

*Supervisor – 20 to 25 years of experience with WDFW.*

A small group of interview participants remain noncommittal towards how a greater emphasis on collaboration would likely impact their job goals and performance. There were still a few other officers that were categorically unwelcoming to the possibility of having to modify their job goals and performance by making greater use of a collaborative approach in their work. Interestingly, one officer stated he has noticed a deviation from the collaborative ideal in the agency in recent years, even though the WDFW agency administration appears to be promoting its widespread adoption throughout the organization.

I often think back to the hiring process, you know, when I sat down with the Chief, he offered me the job, I jumped through the hoops and passed all the tests...and he said hey, you know, the bottom line is compliance. How you achieve compliance for the most part is up to you. He said you're gonna have to issue citations and probably a lot of them, but that doesn't mean you have to issue everyone a citation...for the most part it's up to you, the bottom line is compliance. If you're getting good compliance...you're doing a good job. It's interesting because over the last handful of years, the last five for sure, we've moved away from the community policing and the feel-good touchiness of it. I guess the officer still has flexibility, but there's far more pressure, interest, and focus put on the staff to write citations...you know, me and other officers often find ourselves writing citations that we probably wouldn't write because we felt, you know, oh shit my numbers are down and by God [the administration] is gonna be putting the eye on me here pretty quick so I'd better keep my stats up...I mean [the administration] wants to see

stats. *Line Officer – 10 to 15 years of experience with WDFW.*

The downside of any collaborative effort, of course, is that, um, sometimes parties walk away from me feeling that they sold out, that, uh, you know, that they compromised more than they should have and I've certainly seen that in the past...To that end, um, sometimes [WDFW] negotiates things away that all of us feel that we shouldn't have and we wouldn't have lost had we just taken it on, you know, through court or through the old style, so that's the downside. The upside is that, uh, we save a lot of time and effort sometimes, I mean I go back to tribal cases...and I've been involved in tribal cases where all of us spent a lot of time and effort making the case, putting it together, going through court, only to turn around and lose it – and not only lose the case, but lose a lot of ground on it. We end up coming out ahead in the long run because we, you know, we would have lost as much or more by litigation than we did by sitting down and negotiating with the other parties and saying that we're gonna come up with something agreeable to all. *Line Officer – 20 to 25 years of experience with WDFW.*

[Collaboration] is absolutely asinine...some of this practical textbook stuff is, come on, doesn't really apply, I mean I'm not gonna sit there and learn how to do this stuff. If you break the law I'm not gonna ask how do you feel about it. You need to understand you're getting a ticket...frankly this [collaborative training] is a waste of my time. I should be out there in the sunshine writing tickets because tomorrow

it's gonna rain. *Line Officer – 0 to 5 years of experience with WDFW.*

[Collaboration is] starting to creep up around here in our area and [interest groups] have had a couple of meetings, but then it kind of fell by the wayside because none of us officers around here wanted [collaboration] to happen. In the Walla Walla, the folks like the way [the CCRP] went down and they were happy with it, but none of us wanted to deal with [a collaborative process]. Nobody that I work with wants to do [collaboration] primarily as the focus of their job, you know, um, I don't know, someday I'd like to hire somebody just to deal with that [collaborative] stuff or bring somebody in that's dealt with it in the Walla Walla. Let them handle it if that's what they like to do, but we don't want to do it [in this region]. *Line Officer – 15 to 20 years of experience with WDFW.*

There is a small undercurrent of outright disregard expressed by some of the inexperienced officers and a couple of the veteran officers towards the idea that they might have to adjust their current job goals and performance to support the collaborative approach. Furthermore, some officers feel that by the agency being involved any collaborative process with groups of citizens that the WDFW is either "selling out" or not abiding by the laws and regulations agency personnel were sworn to uphold. One officer noted that he feels more pressure now than he did 15 years ago to write citations because the administration of WDFW stresses the importance of issuing tickets. A majority of the officers, however, described positive aspects of modifying their job goals and performance to meet the expectations of greater reliance upon collaboration. Most interestingly, many of the highly experienced officers interviewed noted that they had been utilizing collaboration as a tool for problem solving for decades.

*The Potential Difficulties in the Use of Collaboration by Law Enforcement Officers*

This category of commentaries produced the broadest assortment of answers provided by the officers interviewed. There was no real consistent message or idea proffered by the officers about the potential difficulties they may face when using collaboration. Unsurprisingly, the response most frequently given by officers about the potential difficulties encountered in the use of collaboration was having to relate to and even rely on the general public. After years of contacting violators and poachers, one should not be shocked that law enforcement officers see a possible problem in working with the citizenry to produce a unified solution to a complex natural resource dispute. Some supervisors noted the difficulty with trying to sway line officers to utilize collaboration instead of relying on the predictable law enforcement methods. Other responses in this category ran the gamut from not enough experienced line officers to handle complex situations to officers being too emotionally attached to the job and the resources the agency is supposed to protect.

Most of us are all way too emotionally invested in the job. We don't look at it as a job, we look at it as a lifestyle, and so we're over-invested in the amount of time and uh, emotional attachment to the job...But at the same time, our user groups are extremely emotionally invested in [the resources] too. Fishermen, the fly fishermen, they believe that they sit at the right hand of God and everybody else is some type of lesser life form. The same thing is true with the archers and the hunters and on and on and on....Most of [the interest groups] are not willing to compromise or they feel like they've been pushed around and compromised so many times that they've drawn a line in the sand and they will not



go any further, and if they have to violate a law because they're not willing to back down any more, then they'll go ahead and do that.

Some of the [hunters and fishermen] feel like they're always giving, giving, giving, giving but they're never getting anything back.

***Supervisor – 20 to 25 years of experience with WDFW.***

I don't perceive any serious or long term problems with [collaboration]...Relatively minor problems with collaboration may involve you and I sitting down initially in total disagreement, but working towards some sort of mutually agreed upon solution and so I guess in that regard...there are gonna be little things that you always have to work through. ***Line Officer – 15 to 20 years of experience with WDFW.***

The challenge to me [with the change to collaboration] is I don't know anybody and I think that for collaboration to be effective you have to have personal relationships of some sort on some level with different groups, and right now having virtually no experience whatsoever I don't know a soul...I'm not sure I can really utilize collaboration at this point ...I think I gotta meet folks and make some connections and start establishing a network of community members and local players before I can sort of bring folks together. ***Line Officer – 0 to 5 years of experience with WDFW.***

[Collaboration] is not a beginning as a concept right now, we've been doing this for years and years and years and if an individual doesn't have the ability to do that type of work, where they can communicate, uh, talk

to folks, then I've got a supervisory [problem] to deal with. But uh, any time you have an individual that says I didn't hire on to do [collaboration], uh, or I'm not going to do this, then that's a supervisor issue and they'll be dealt with. *Supervisor – 25 to 30 years of experience with WDFW.*

I could have new staff over time that hasn't been exposed to [collaboration] or that it hasn't been a part of their life or part of their training programs, so getting new individuals trained in it could be the problem. *Supervisor – 15 to 20 years of experience with WDFW.*

Well, the only difficulty I can think of is that [collaboration], just takes more time, you know, there's just more to the process instead of an autocratic or unilateral decision where we take the lead and we go out and we achieve our goal. *Supervisor – 20 to 25 years of experience with WDFW.*

In trying to utilize collaborative skills, well some situations, um, there's no collaboration, um, its black and white, straightforward and you know there's the law, we have to enforce it, so there's not a whole lot of, um, communicating about you know, um, different outcomes and stuff, it's black and white, it's you know, a violation you're being cited for, so there's really no collaboration. *Line Officer – 0 to 5 years of experience with WDFW.*

There was little agreement among either the veteran or the rookie WDFW officers interviewed regarding the potential difficulties associated with the use of collaboration by WDFW law enforcement officers. The most consistent theme permeating the commentaries in

this category was the difficulty of generating support from and gaining the cooperation of the public when they are confronted with controversial natural resource problems. As previously noted in the Snake River salmon case study, the disagreement between the various stakeholder groups has raged for nearly two decades. It is much easier to proceed in a legal action against an opponent, than it is to work cooperatively with a former sworn enemy.

*The Reactions of WDFW Colleagues to the Emergence of Collaboration*

As noted in Chapter Four of this dissertation, experienced police officers presented the most hostile attitudes towards the emergence of COP in their profession. As traditional policing agencies switched from the respected crimefighting paradigm to the more “officer friendly” COP model, veteran police officers frequently believed that they would lose their elite status in the community they served. Additionally, COP required experienced police officers to learn new skills and techniques towards the end of their careers. Younger officers, however, were generally more open to the change and did not regard the shifting philosophy as an attack on their legitimacy as law enforcement officers.

The reactions of WDFW law enforcement officers, however, do not fit the traditional COP example. While there are some consistent patterns that arise between the traditional and natural resource law enforcement officers’ opinions about their similar, yet respective paradigm shifts, generally speaking it was the more experienced officers who favored the change to greater reliance on collaboration. Furthermore, many veteran officers do not regard the potential change to collaboration by WDFW as much of a modification at all. To be more precise, a number of these officers believe that natural resource law enforcement officers have been using collaboration since the very beginning of the profession.

I guess [collaboration] infers community policing and you get a lot of

that type [of] training over the years, but it's just another way of saying the same thing, another way of describing and selling what it is that we've done all along. *Supervisor – 15 to 20 years of experience with WDFW.*

I don't think [my colleagues] have had too much of a reaction [towards collaboration] because its nothing really new, uh, in our agency just because we have to deal with so many different constituents that have a stake in what we do, so um, you know, I think it's a positive thing and its nothing really new and its been working well. *Supervisor – 15 to 20 years of experience with WDFW.*

I don't think anybody's had a problem with [collaboration], I think we've been doing it on a small scale my whole career, so this community policing stuff really isn't something that's new to fish and wildlife officers because we've had to network within our communities in order to be accepted and to be effective in getting information and getting support. *Supervisor – 25 to 30 years of collaboration with WDFW.*

We have a [name removed] association, so we got together at a dinner and were talking about the [NRLA] training and I think we all came to the same realization; that we have been doing [collaboration] in a de facto basis. Maybe we didn't know it was called collaborative decision-making, and we didn't have some of the terms specifically outlined and the procedures specifically outlined, but we had to either learn through trial and error and hard knocks through our job. We have been doing [collaboration] at some point and most of us again could relate that to the deer and

elk damage that we have and that's been a part of our lives for a long, long time. *Supervisor – 15 to 20 years of experience with WDFW.*

Other officers, both veteran and rookie, believed that their colleagues have had no reaction or had a negative response to the possibility of collaboration becoming a new problem solving paradigm in the agency. What is of particular interest to theory generation in the following interview excerpts is the fact that when most of the supervisory officers are referring to their colleagues' reactions, they are generally speaking of their subordinate line officers and not other supervisors.

I think the initial reaction to [collaboration] is that it's, uh, not consistent with the [line officer] role as an enforcement officer...as a general rule, I think [the officers] tend to reject [collaboration] as not being consistent with what their true purpose is and it detracts from that role. *Supervisor – 20 to 25 years of experience with WDFW.*

Well it's been interesting, the reactions [by other officers] have mostly been negative to be honest...the general feeling is we're short staffed in the field...and now another [officer] was taken away to work on a collaborative problem. So now there's no one in the field, so now other officers from other counties have to come and fill in. *Line Officer – 20 to 25 years of experience with WDFW.*

There's resistance [by line officers] because of time, capacity, and there's no reward system [for collaborative projects in WDFW]. Our reward system is numbers, that's the reward system in our program and until we get past that, collaboration is doomed. Now don't get me wrong

...you gotta have numbers, that's important, but officers don't understand the collaborative process and there's no reward system for it. *Supervisor – 25 to 30 years of experience with WDFW.*

To be honest with you...I haven't really had a whole lot of reaction from different colleagues. I really don't think about our jobs as being this collaborative, um, tool that you use. *Line Officer – 0 to 5 years of experience with WDFW.*

I don't think, uh, any of my colleagues have been really exposed to collaboration. It's something that in a quasi-military structure law enforcement, you're pretty much given marching orders and don't get a lot of help from other people. *Line Officer – 0 to 5 years of experience with WDFW.*

I actually overheard an officer talking to another veteran officer in the hallway during one of the breaks [in the training] and in an exasperated expression and tone of voice I heard him say [the training instructors] have to realize that we're cops...it was obvious he was frustrated. He felt like there was a disconnect between the folks who were pushing collaboration and himself. *Line Officer – 0 to 5 years of experience with WDFW.*

I think there's a lack of understanding [about collaboration]. In the field of law enforcement we'd much rather be somewhere else, but honestly, the training has shown how [collaboration] affects us directly in everyday our capacity and the ability to do our jobs. *Line Officer –*

***0 to 5 years of experience with WDFW.***

I would say overall by our officers, [collaboration] is not very well accepted and the main reason is that um,...I think there's some legitimacy to [that opinion] and I'm of the same concern, that [collaboration] is a good program that needs to be done, but not by our division, um, that it belongs, that it's more well suited for the Department of Ecology or Habitat Management than it is for enforcement. ***Line Officer – 20 to***

***25 years of experience with WDFW.***

Interestingly, as opposed to the COP literature, those individuals in the WDFW who are more favorable to collaboration are generally the more experienced officers. Possible reasons for this discrepancy are explained later in this chapter. Many of the veteran officers stated that there has been no reaction by colleagues to collaboration because they have been using it during their entire careers. Veteran officers also mentioned that newer officers have been largely negative towards collaboration because they do not believe that collaboration is consistent with their job duties. Another issue raised by the officers, which will appear later as a separate category is the concern regarding the lack of sufficient commissioned officers in the field.

As noted in the Chapter Four literature review (pages 144 to 146), rookie officers had the inclination to follow the lead of their veteran officers when debating whether or not to accept COP. In the WDFW, however, it appears as if the older officers have been only partially successful at trying to persuade the younger officers to embrace collaboration as part of their normal job duties. An important aspect of the possible successful implementation of collaboration in the law enforcement division of the WDFW is the ability of the veteran officers to persuade younger officers to utilize collaborative methods in the performance of their job.

*The Necessity of Collaborative Training for New WDFW Line Officers*

Whether or not newly hired police employees were trained in COP affected the likelihood of success in the implementation of the new policing paradigm in police departments across the country. Law enforcement agencies that failed to train new officers were more likely to have a difficult time with the new paradigm becoming entrenched in the agency than those that provided such training. Nearly all of the 43 WDFW officers interviewed believed that new line officers should be trained in collaboration. The favorable response towards the concept of training was virtually universal, and the common theme highlighted was that the new officers come out of the police academy trained as traditional cops who are not ready to take on the multitude of responsibilities handled by a fish and wildlife officer.

Ideally, the [new officers] would have been introduced [to collaboration] and exposed to these theories, concepts, and techniques [in college]... but with the expectation that they probably haven't...I think...law enforcement has to begin to make [collaboration] a part of their indoctrination of new employees. *Supervisor – 20 to 25 years of experience with WDFW.*

I think [training is] good because...particularly young employees don't have a lot of life experience um, so fish and wildlife officers can [learn about collaboration] that a seasoned officer has been doing for a long time. *Supervisor – 20 to 25 years of experience with WDFW.*

Yes, we get a lot of training in how to deal with people, how to handle people and we get extensive escalation training. We have domestic violence, and search training, but we don't ever have training – we've never had training – on collaboration, [although] I think that's really an



essential element. *Supervisor – 20 to 25 years of experience with WDFW.*

Yes [training in collaboration is] necessary because [the new officers] need to understand the fact that um, the world's not as black and white as they may think it is, and that's the way the training academies teach them...A successful long-term WDFW officer must take into consideration collaboration with all the different parties *Line Officer – 0 to 5 years of experience with WDFW.*

Yeah I think [training] should be necessary because I don't know that we can automatically assume that [collaboration] is an inherent part of the new officer's abilities. From an enforcement program, we're hiring fewer and fewer natural resource people and we're hiring more people that are cops going through and getting their degrees say in criminal justice rather than getting their degrees in natural resource management... We're also hiring police officers out of other police agencies in an effort to save money because we don't have to send them to the police academy and they don't necessarily have a natural resource background...And again law enforcement as a whole, collaborative, uh, decision-making isn't used when you're, you know, a street officer affecting arrest. It's not a collaborative approach, it's put your hands behind your back, put the cuffs on and, off to jail you go. *Supervisor – 15 to 20 years of experience with WDFW.*

A few officers disagreed with their colleagues, but only in reference to when the new officers should be trained. These officers thought that collaborative training should take place a

little later in the officers' careers instead of when they are first hired. There were only two negative responses to the prospect of training new recruits, and as witnessed in previous categories the main reasoning for these officers' opinions is the belief that collaboration is not to be considered an appropriate role for WDFW line officers.

I think yes [collaborative training should take place] at some point, but not right away in the initial training as far as enforcement. When [the officers] are new, it's a year before they're out in the field on their own and they're getting mass training that whole year; police academy, in-house training, FTO training – and there's so much thrown at them at that time [that] I don't know what good [it would do] or what they would take away from that [collaborative] instruction. I would think that a more opportune time [for training] would be at year three for the new officers, just because at three to five years, you're starting to get a handle on the job. *Supervisor – 25 to 30 years of experience with WDFW.*

Well, I think [the new officers] they should be made aware of [collaboration], um, whether they're trained in it or not...but I think they should be made aware of how important it is and how you can accomplish your goals and the agency's goals. I think maybe the older officers, um, probably take more of the collaborative approach than maybe some of the new officers that don't want to take the time, maybe, to outreach to these other agencies or constituents, um, or user groups that we have. I think the older officers or veterans do that a lot better than the younger ones. The younger ones want to go out and enforce the law or write tickets.

***Supervisor – 15 to 20 years of experience with WDFW.***

No I don't think it's necessary [to train new officers in collaboration] because...all the policies [about collaboration] are not at the officer level, and so officers essentially follow the policies mandated by the Sergeants and Captains. [Line officers] have little if anything to do with the negotiation of those policies. ***Line Officer – 20 to 25 years of experience with WDFW.***

It is important to note that the majority of thoughts shared by the officers all stated that the new officers being trained in the Washington State Basic Law Enforcement Academy are not fully equipped to prepare their careers as fish and wildlife officers upon graduation. The in-house and FTO training are also not preparing the new officers adequately for the varying challenges they will encounter as a WDFW law enforcement officer. Both rookie and veteran officers alike point to a clear disparity between the law enforcement tactics used by new and the more experienced officers. Whereas some younger officers do not believe that collaboration is a part of their job duties and should not be trained in it, many of the older officers see collaboration as a viable and useful technique that is, unfortunately, escaping the grasp of their younger counterparts.

*The Potential Strain to the WDFW Officers and the Department Caused by Collaboration*

Similar to COP, for collaboration to be implemented by the WDFW new officers will have to undergo training in collaboration. The time and resources devoted to training, however, are not the only possible sources of strain for the line officers or the law enforcement division of the WDFW in making the switch to greater reliance upon collaboration. The adoption of an emphasis upon collaboration by the agency could create a self-image problem for those line officers who and supervisors view the new problem solving paradigm as “touchy-feely.” Furthermore, the occasional removal of officers from their normal duties to focus on a

collaborative partnership may generate too much of a burden on the workload of other officers remaining in the field. The majority of officers interviewed, however, disagreed that collaboration would create any additional strain on either officers in the field or the department as a whole.

Oh, I guess some of [the officers] could say [collaboration] could create strain, you know, but in the long run it probably could save you time down the road... You can deal with [a problem] year after year, going down and investigating damage claims, going down and glad handing the farmers and try to tell them the elk are here and you'll just have to learn to live with them, or you can come up with some creative solutions like we did with the [name of the location removed] situation which virtually stopped the calls, stopped, uh, the damage claims. Our officer isn't going down there and having to baby-sit farmers and listen to them bitch and moan about elk. Instead, we came up with a solution that involved all of [the stakeholders]. *Supervisor – 20 to 25 years of experience with WDFW.*

It takes a short amount of time to introduce yourself to these [interest] groups, then the payback's gonna be huge. I've already proven that to myself, uh, I'd say I don't know, 60 to 70 percent of the cases I make are a direct result of the contacts and being available to the public and to have them give me information, help me out on cases and it's, I'm telling you it works, it makes a lot of cases. *Line Officer – 0 to 5 years of experience with WDFW.*

I don't agree with the idea that [collaboration] is gonna cause problems, simply because uh, you're gonna wear a bunch of hats in this agency and you're gonna be asked to do a lot of different things...A monkey in a boxer suit can do this job, but to do it more effectively you've gotta have some backing and support from the community. ***Line Officer – 0 to 5 years of experience with WDFW.***

I think there's, uh, actually no additional strain when an officer has to sit down and work within the group, a citizen advisory group...[The officer] is being asked to sit in on a task meeting and represent a certain facet of law enforcement...I don't see collaboration providing a lot of stress or strain on us because we already do it, we've been doing it, it's part of our makeup. ***Supervisor – 20 to 25 years of experience with WDFW.***

Some of the officers interviewed disagreed with their colleagues. While none of the participants identified any added strain on the department, all of them recognized potential stress arising from collaboration for individual line officers. Many of the officers noted that their time is stretched too thin as it is, without the added burden of being involved in collaborative meetings and identifying stakeholders in a contentious natural resource issue. The following four commentaries articulate this concern.

Any time you take, um, a position and essentially make it an administrative position, which most collaborative positions are, you know, you take a person out of the field. I've seen it throughout my career, we keep taking on more and more tasks, but we don't add officers, we lose officers, so um, yeah [collaboration] definitely has an adverse impact in that regard.

***Line Officer – 20 to 25 years of experience with WDFW.***

I think [collaboration] would create problems for [officers] just because we're packed full of so much stuff. Right now we have four guys who are [covering] Yakima and Benton and Franklin County, and one of them's retiring at the end of the year...so I mean you're gonna have less officers stuck doing elk damage, other stuff, and our ability to be in the field enforcing laws, it's gonna be very limited. ***Line Officer – 0 to 5 years of experience with WDFW.***

The training that we have, um, the uh, skills that the officers have are probably put to better use than being involved in a collaborative process. I think that the general, uh, feeling is when you have a group of people that are sitting down to discuss the, uh, the issues like the collaborative process we'll be using, I think that a uniformed officer, um, sitting there doesn't put people at ease, I think it makes them, uh, more on the defensive.

***Line Officer – 0 to 5 years of experience with WDFW.***

The officers all have full plates, so if we were directed that [collaboration] will be an item of expectation in our job performance to participate or organize and lead, follow through, then yes I agree it's too much for what we're hired to do... The taxpayers expect to have game wardens in the field checking people, catching people...and if I was a state representative, I probably wouldn't be happy if my constituents are calling and that they know, you know, we're spending a bunch of time with a [collaborative issue]... We only have 171 hours to work in a

month and uh, right now [collaboration] is something that our in the field people shouldn't be charged with, that if they need an enforcement presence, then it needs to be somebody out of Olympia from a statewide perspective. ***Supervisor – 25 to 30 years of experience with WDFW.***

Two of the biggest concerns for the officers are the facts that some do not see collaboration as part of their duties, and many feel that they have too many responsibilities without the added inconvenience of engaging in collaboration. The potential for resentment from the already strained line officers is enormous if the WDFW law enforcement division administration does not take the proper steps to alleviate the officers' apprehension. The fundamental disconnect between some of the officers' perceived and actual roles as a law enforcement officer could create serious difficulties for WDFW if this issue is not properly addressed prior to the further implementation of the shift to more emphasis upon collaboration.

*The Difficulties Created by the WDFW's Performance Expectations*

Many traditional policing organizations utilize performance expectations to evaluate the efficacy and efficiency of their officers, and assess the performance of the department in general. The typical duty assignment for a patrol officer is often quite general, and the ambiguity of the assignment can lead to unproductive use of policing resources. Police departments typically will measure the number of citations written, citizens contacted, or arrests made by officers to ensure that their personnel are not avoiding their duties as a police officer. It is relatively inexpensive and administratively easy for police departments to collect this type of data to evaluate their officers and document the agency's activities. Furthermore, police departments from across the state and the nation can compare their agency to other law enforcement organizations to gauge their effectiveness. Generally, performance expectations are translated into ticket quotas. For

example, a patrol officer in a municipality may be expected to write 30 traffic citations per month. This ticket quota guarantees that the officer is performing an important element of his/her assigned duty, while also generating tax money for his/her municipality.

WDFW law enforcement officers also have annual performance expectations. The officers assigned to county and regional responsibilities will normally be told how many citizen contacts, citations, and arrests they are supposed to have accumulated at the year's end. Most of the officers interviewed were, however, quick to note that such performance expectations are not quotas, but rather "guidelines." The performance expectations or guidelines are also part of the protocol utilized by the WDFW administration for decisions regarding promotions, disciplinary actions, and terminations.

The subject of performance expectations represented a sensitive topic for nearly every officer interviewed, especially the line officers. A serious concern for almost all of the line officers was the fact that the goal of collaboration is not focused on writing citations or prosecuting violators. Since the line officers are evaluated according to their performance expectations, many were concerned that becoming involved in a collaborative project would impact their standing in the agency in a negative way. The following lengthy commentaries attest to the depth of concern existing in this area.

One of my pet peeves is I'm not at all in favor of, um, arrest quotas or whatever you want to call them. I've been very vocal against performance expectations for a long time. Although I'm normally the leading officer for arrests in the state, I'm still adamantly opposed to it because the administration thinks that by setting the performance standards that they will motivate unmotivated officers. What they do is exactly the



opposite, they get unmotivated officers to write tickets that shouldn't be written at all um, and we end up losing a lot of ground on that. We turn off a lot of our constituents by writing tickets that I feel, you know, aren't worthy, and so it hurts our reputation, hurts the program and then also, um, the weight of a citation or an arrest or a violation is not considered and what I mean by that is our access decals. [Access decals are required for citizens to recreate in certain areas of state-owned land. The citizen must buy a decal for a nominal fee and place the sticker in his/her car]. At the end of the year, supervisors look at, um, your ticket totals and say you have 500 tickets and 450 are access decals, but the next officer has 150 tickets but 100 of them are big game investigations that took a lot of time, effort, and put a significant dent in resource violators. The guy with 150 tickets is looked to not have performed as well as the guy with 500 and I think that's really flawed because we should be focusing our limited resources on the people that impact the resource the most. It seems that by the performance expectations, we are pushing officers to make uh, you know, switch their time and effort to what I consider less important work, um, so it seems counter-productive towards protecting fish and wildlife. *Line Officer – 20 to 25 years of experience with WDFW.*

Collaboration is not law enforcement, you're just standing, which is not really our job, but if we're doing it, um, if [collaboration] is expected, you better call the Chief and say my [arrest and citation] numbers are

gonna be low. ***Line Officer – 10 to 15 years of experience with WDFW.***

We've definitely got our annual expectations to uphold, you know, and I mean we've all talked to the officer that dealt with the Walla Walla situation. I heard it come out of his own mouth that he didn't make one field contact and he didn't write one ticket the whole time and he was okay with that, but I mean as you can tell, I'm not, you know. I mean [the department] trains us, they give us all this equipment and knowledge so why should we go and sit on the phone and call people and say, you know, we really need to get in compliance here. Why me? I mean we've got another [WDFW] division for that, and that ain't ours. ***Line Officer – 0 to 5 years of experience with WDFW.***

You don't want to say quota, but you have these expectations, so um, a lot of officers I feel, um, think that you know, we just gotta go out and write tickets, you know, we gotta perform and you gotta have 200 or 300 tickets a year...I don't have time to go out and try to collaborate and take three months out of my year...A lot of officers are going out writing tickets instead of maybe using these tools...but you have these expectations that are constantly looming over your head. [The administration has] to understand that [collaboration] is gonna take away from our other time and, therefore, maybe our expectations shouldn't be as high as writing tickets and stuff like that. ***Line Officer – 0 to 5 years of experience with WDFW.***

Does [the administration] really want us to be more collaborative or

is it still a stat game? I mean, using stats is still the easiest thing to do...to sit down at the end of the year and okay Officer X...what did you do last year? Well, let's see and the first thing is he wrote 223 citations and they say okay, were those good citations, bad citations, was that an adequate amount? I think if I'd generated 223 citations this year that I'd probably pass the straight case test, but I think if they looked at me and saw 110 citations I think I'd have some explaining to do, um, either myself or my supervisor...hopefully a good boss might go to bat for me or he might call me on it...I think last year I wrote about 210 citations and I used to crack 500 all the time, but I haven't done that in, I don't know, six or seven years, and uh, one day the sergeant and I were cruising down the road and he said hey, you know, everything is okay down in Olympia, but the Chief was kind of looking at you and he had some questions about your numbers, but I defended you. [The Chief] was worried because you were the low man in the detachment, you know, as far as citations go and I was waiting for the laughter but there wasn't any...[Our job] is a numbers game, it's far easier to write infractions than to do big time investigations...it may take weeks if not months to do a big time investigation and oftentimes at the completion of it you might only get a handful or arrests, whereas another guy who's running around writing lots of drug tickets or access decal violations, will, you know, have 84 citations at the end of two months whereas I only have four but I completed a real big investigation. *Line Officer* –

***10 to 15 years of experience with WDFW.***

The supervisors, who are not held to the same performance expectations as the line officers, were considerably more indifferent about the issue. Almost universally the WDFW supervisors acknowledged the importance of performance expectations, but at the same time they recognized the value of a collaborative effort. More importantly, the majority of supervisors claimed it was their responsibility to justify a line officer's low citation numbers to the administration in Olympia if the officer was tied down with a large collaborative process.

Yeah, well that's my job as a [supervisor], uh, we get together every year with our Chief who comes around and does what he calls a regional performance review. My job as a [supervisor] is to explain to the Chief that we have a significant issue that this officer's involved in, and he's using this collaborative process that is taking a lot of his time and that's a mitigating factor for having fewer arrests or fewer citations. ***Supervisor –***

***15 to 20 years of experience with WDFW.***

If an officer is involved in a collaborative process that [fact] should come to the attention of the supervisor. If [the collaborative process] takes away from his ability to write 200 citations, then that's something that the supervisor should know and note, and he should bring that to the Captain's and to the Chief's [attention] in their annual reviews. If you gave 100% and you only wrote 20 tickets, a good supervisor should be watching that effort and your evaluation should reflect that and your supervisor should be able to support the tickets you didn't write or what you did do.

***Supervisor – 25 to 30 years of experience with WDFW.***

Well, performance expectations, in the limited time I've been a supervisor, the way they're explained to me is that they're goals, targets, but they're not hard and fast, so there's room for some discussion, um, the Chief is quoted as saying if you make contacts, you'll make arrests and I agree with that...However, we're not gonna collaborate on whether you're fishing with a barbed hook. You either are or you aren't. Now I may not write you a ticket for it, but you're still doing it, it's still illegal, there's no collaboration there. *Supervisor – 20 to 25 years of experience with WDFW.*

Well, I'll tell you what happened to [the CCRP officer] you know, he was out in the field collaborating with the general public in the Walla Walla sub-basin doing all this screen "puff" work and he didn't have the same performance expectations, he had different performance expectations in the [CCRP] program. He didn't have necessarily the same quota for numbers of arrests or patrols, and all that other objective data that we can evaluate twice a year. He ended up with a merit award, so the job was so well done and so much appreciated by everybody that he was recognized amongst his peers at one of our regional meetings with a huge plaque and merit award and so was the habitat biologist that worked with him. So um, it didn't hurt things at all. I mean I suppose it would depend on the supervisor. *Supervisor – 25 to 30 years of experience with WDFW.*

In general, there was a substantial difference in attitudes toward performance expectations and the use of collaboration between supervisors and line officers. It was clear to this researcher that many of the supervisors had not shared their views with their line officers regarding the change in expectations if officers were involved in collaborative projects. Similar to the difficulties associated with COP implementation in traditional policing agencies, this lack of timely and nuanced communication between supervisors and line officers has the potential to create serious resentment among the line officers with respect to their involvement in collaboration. Many line officers were also unaware of the merit award given to the officer involved in the CCRP program in the Walla Walla River Basin ESA situation. For collaboration to be successful in the WDFW on a broad basis, the line officers are going to have to believe that there are reduced expectations for officers participating in a collaborative venture. A couple of younger officers that all had a desire to seek promotions within the department conveyed to the researcher that they were leery of collaboration because of the potentially low citation and arrest numbers they would generate. Since the current evaluation system is perceived to be heavily focused on numbers, these officers did not want to risk a future promotion by becoming involved in a potentially lengthy collaborative venture.

*The Core Category: The Career Length of the WDFW Law Enforcement Officer*

The divisions between the answers provided by the WDFW law enforcement officers in the former categories can be easily delineated by one general standard; the length of the career of the officer in the WDFW. In general, more experienced officers had a better understanding of collaboration, thought that collaboration was an effective law enforcement tool, did not think that collaboration would greatly impact their job goals or performance, did not think that collaboration would cause much stress or strain to the officers or the department, and did not

believe that the department's use of performance expectations created difficulties in the officers ability to use collaboration.

The veteran officers' more inexperienced counterparts, however, quite frequently disagreed with the senior officers' opinions regarding collaboration. In many circumstances, the younger officers did not accept the idea that collaboration was a significant part of their job duties. This knowledge gap between the more and less experienced officers has the potential to create serious problems for the WDFW as it attempts to implement collaboration in the law enforcement division, especially because many of the veteran officers are approaching or are already at the retirement stage of their career. There was, however, one significant aberration regarding the legitimacy of collaboration as a law enforcement tool among less experienced officers in Region 1 (The Walla Walla River Basin is located in Region 1). The younger officers interviewed in this general location overwhelmingly understood the importance of collaboration as a method for gaining the public's compliance concerning controversial natural resource rules and regulations. It is also important to note that many of these officers were not even employed by WDFW when the CCRP was started. The positive experience of the CCRP has survived throughout the greater Walla Walla region and is still influencing some of the younger WDFW law enforcement officers' opinions about the usefulness of collaboration.

Fortunately, it does not appear that a similar collaborative success – such as the CCRP – is necessary in every WDFW region for the concept of collaboration to become pervasive throughout the department or for other natural resource law enforcement agencies to be able to implement collaboration. The past experience of veteran officers with collaboration appears to be an important factor in determining the possibility for successful implementation of collaboration; however, the senior officers must be able to communicate this idea to the younger

generations. The keys for WDFW and other natural resource law enforcement agencies to address the implementation concerns of collaboration are examined in greater detail in the next chapter. There are a couple of noteworthy reasons that may indicate why more experienced WDFW law enforcement officers are willing to accept collaboration as a necessary and legitimate law enforcement tool.

### **Important Historical Events for the WDFW**

To be able to fully appreciate the responses provided by the WDFW law enforcement officers interviewed, it is necessary for the reader to understand some of agency's more complicated history. There is a substantial and complex background surrounding the WDFW that makes easy theory generation or explanation of the above described opinions and stories very difficult. An appreciation of this multifaceted history will aid in understanding why more experienced officers have a fuller awareness and more acceptance of collaboration than their younger counterparts.

#### *The Beginning of the Department of Fish and the Department of Game*

In 1915 the Washington state legislature enacted a law that created the Washington Department of Fish and Game. Later in 1932 an initiative delineated the difference between food fish and game fish and produced the Department of Fisheries (DOF) (which was responsible for managing food fish) and the Department of Game (DOG) (which was accountable for managing game fish and animals).<sup>6</sup> A significant distinction between the two departments was the fact that the Director for the DOF was appointed by the Governor, while the Director for the DOG was appointed by a six-member commission. Each commission member

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<sup>6</sup> All of the data regarding the history the DOF, DOG, and DOW were provided by WDFW Information Officer for Public Affairs, Craig Barlett.



represented one of the six administratively created regions of Washington state. The Director of the DOG, therefore, answered to the citizens of the state and was constantly involved in community affairs and meeting with concerned interest groups. Conversely, the Director of the DOF was only accountable to the Governor and did not have to contend with the public. This form of management and supervision persisted between the two departments until the mid-1980s. According to many current WDFW employees, this lack of citizen oversight within the DOF created an atmosphere of elitism throughout the staff of the department.

*Changes in the Duties of DOF and DOG Law Enforcement Officers*

Both the DOF and DOG had their own separate law enforcement detachments. DOF officers enforced the Washington State Fisheries Code while the DOG officers enforced the Washington State Game Code. None of the officers in either department had full police powers (the authority to enforce all sections of the Washington State Criminal Code). The DOG and DOF officers (more popularly known as game wardens) had very limited authority when interacting with the citizens of Washington state. In 1987 the Washington state legislature approved the recommendation that the DOG and DOF officers be granted full police powers.<sup>7</sup> DOG and DOF officers were required to attend police equivalency training at the Washington State Basic Law Enforcement Academy (BLEA). The shortened equivalency BLEA training program qualified the DOG and DOF officers to assume full authority as police officers commissioned by the state. As a result of the equivalency training, the DOG and DOF officers became capable of enforcing the entire state's criminal code, as well as the appropriate game and fish regulations. Also in 1987 the DOG became officially known as the Department of Wildlife

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<sup>7</sup> The specific timeline regarding the DOG and DOW officers gaining full police powers was provided by WDFW Lieutenant Richard Mann.

(DOW). By 1988 all newly hired DOF and DOW officers were attending the BLEA with other municipal and county law enforcement officers. Finally in 1994 the DOG and DOW were merged into the Washington Department of Fish and Wildlife.

*Persistent Problems for WDFW Law Enforcement Division*

According to many of the WDFW law enforcement officers interviewed that were employed by the DOF and DOW before the two departments were merged in 1994, there were many rough transitions for the DOF and DOW officers. The former DOF officers were used to having a monopoly on authority and viewed the public they served as an entity to be managed. Conversely, the DOW officers, who had a history of working with the citizenry, looked at the public as partners in the protection of fish and wildlife species. Most of the WDFW officers interviewed indicated that the division between the former DOF and DOW officers has softened somewhat through time.

The discontinuity between the former DOF and DOW officers persisted in other customs besides their approach to the job. According to numerous WDFW law enforcement officers interviewed there was a serious lack of uniformity among the newly formed WDFW officers in regards to appearance, training, and equipment. The WDFW officers drove different vehicles, had different uniforms, and there was no universal training standard throughout the agency. The lack of homogeneity between the officers often confused the public they served.

In October of 1998, WDFW Assistant Chief of Enforcement Bruce Bjork was appointed Acting Chief of Enforcement for the department. Shortly thereafter, Bjork assumed full-time responsibility as Chief of Enforcement for the WDFW. Several of the WDFW officers interviewed praised Chief Bjork for reducing a lot of the aforementioned problems within the law enforcement division of the agency. According to many of these officers Chief Bjork

increased the professionalization of the department and created consistency among the officers. All WDFW law enforcement officers were required to dress the same, and received similar training and equipment.

Prior to Chief Bjork's appointment there were persistent rumors that some officers had been delinquent in their law enforcement duties. In order to hold all law enforcement officers accountable to the same standard, Chief Bjork established the current performance expectations for the officers. The increased uniformity in the appearance, training, operations, and evaluations of all the WDFW law enforcement officers has generally created the feeling of a more professional law enforcement division among the officers. There has been, however, a significant price paid by the officers and the department for this increased professionalization.

*A Theory Explaining the Difference Among Seasoned and Less Experienced WDFW Officers' Views Towards Collaboration*

In the past, especially prior to 1987, DOF and DOW law enforcement officers did not have full police powers, and were officers limited to enforcing very specific game and wildlife regulations. The DOF and DOW officers had to rely on the citizenry to aid them in the performance of their job because the officers could seldom bully or intimidate the public into compliance with the law. The frequent and necessary assistance of the public in enforcing game and wildlife regulations created the general view among numerous DOW and a few DOF officers that the citizenry was a potential partner to be utilized in the problem solving process rather than an entity to be managed.

The legislative change in 1987 and 1988 that granted DOF and DOW officers full police powers did not cause those officers to abandon employing collaborative approaches in the performance of their job. These officers viewed their full law enforcement authority as an

additional tool to help gain compliance with the law and not *the only* or even preferred method to achieve conformity with the fish and wildlife regulations. During the late 1980s and early 1990s, the DOF and DOW law enforcement officers that had significant career experience without full police powers were responsible for training the new WDFW recruits. The more experienced officers who still remembered their duties as a law enforcement officer without full police powers had the possibly to instill the ideal of collaboration as a useful problem solving instrument among the inexperienced officers.

As time has progressed, the DOF and DOW law enforcement officers who had career experience without full police powers graduated from training positions in the WDFW to supervisory roles. Additionally, many of the experienced DOF and DOW officers with significant past collaborative experience have retired. The vacancies in the roles of law enforcement training officers typically have been filled by WDFW officers that have always had full police powers and have no memory to the decades past when DOG, DOF, and DOW officers relied on public assistance to adequately perform their jobs. These new training officers have been less likely to view collaboration as a necessary tool or function in the role of a WDFW law enforcement officer, and subsequently are more inclined to pass on the revised role of a fully commissioned law enforcement officer onto young recruits.

Additionally, many of the more experienced officers have numerous complaints regarding the training the new recruits receive at BLEA. The veteran officers generally think that BLEA does an excellent job at training all the municipal and county law enforcement recruits to be professional cops. Unfortunately, the officers also believe that BLEA turns the WDFW recruits into professional cops as well. A supervisor explained:

[w]e train people, they go to the police academies, and they come out

a cop and they're ready to cuff and stuff people and that's what they think their whole job is. As they mellow through the years, they find out that not everyone is a criminal and [the officers] aren't always right. We don't give the new officers any training about collaboration.

***Supervisor – 25 to 30 years of experience with WDFW.***

As explained throughout this dissertation and this chapter, the role of a law enforcement officer with WDFW is not the same as the standard police officer. Along these same lines another experienced supervisor noted the following:

[t]he police academy and law enforcement people are trained to think you have to win, you're in control all the time, everything you have to do, you have to make sure that you win. In fish and wildlife, what you've got is a tremendous amount of people who want to recreate. They want to go hunting, they want to go fishing, they want to utilize the boat launches to water ski, jet ski, whatever. They're not criminals, some of them are just misintentioned, misinformed, or just downright stupid. But collaborative efforts will do a great amount of good in getting them to see our points, obey the regulations, because they're not intentionally violating the law; so when you've got people that are just misinformed, ignorant, misguided; collaboration can work really good. ***Supervisor –20 to 25 years of experience with WDFW.***

Instead of the citizenry being a useful problem solving resource, traditional police officers are trained to view the public as suspicious and potentially dangerous. This pervasive attitude towards the public as an entity to be feared and controlled becomes ingrained in the WDFW

recruits during their 19-week training at BLEA. By the time the WDFW recruits graduate from BLEA and become fully commissioned officers, it is most likely difficult for even the most experienced field training officer (FTO) to modify the young officer's views towards the public. If the FTO was him/herself indoctrinated into the WDFW career with a distrustful view of the citizenry, the FTO may not see a problem with the new officer's suspicious outlook toward the public.

Furthermore, the last few years have been witness to another new paradigm in the traditional policing profession – namely, militarization. Militarization focuses on the police use of military tactics, equipment, and uniforms in their policing duties (Kraska, 1996; Kraska and Kappeler, 1997). Frequently, former members of the United States Armed Forces are responsible for special weapons and tactics units (SWAT). These officers rely on their military training when engaged in high risk building and home searches looking for drugs and other forms of contraband. SWAT and officers of “para-police units” (PPUs) typically utilize “battle dress uniforms” and other assorted military equipment such as semi-automatic rifles and “flash-bangs” in dangerous situations. Additionally, armored vehicles, night vision goggles, and other types of specialized gear are becoming staples of SWAT police forces (Kraska, 1996; Kraska and Kappeler, 1997). The continuing “war on drugs” campaign and the explosion of the meth epidemic in the United States only reinforces the legitimacy of SWAT and PPU, and ensures that they will be a part of policing philosophy for the next few decades.

The militarization movement has spawned a wave of television shows that glorify the new paradigm. “Reality shows” such as *COPS* and *Dallas SWAT* follow real life police officers in the course of their daily duties. These shows exalt the dangerous and life-threatening situations encountered by these officers. Viewers at home are left with the common perception

that the majority of police work is dangerous and violent. While the career of a police officer may occasionally involve exposure to hazardous conditions, most often police work is a relatively safe profession. A potentially serious problem for the WDFW and other natural resource law enforcement agencies relates to the individuals they are hiring, and will continue to hire, who have come to expect their police careers to involve interactions with violent citizens wishing to do them harm. In reality, the overwhelming majority of the work of natural resource law enforcement officers entails meeting average, hard-working Americans enjoying the opportunity for recreation (For a graphic representation that illustrates the theory generated by the officer interviews – See Figure 6.1).

### **Summary**

The relevant policing literature has clearly demonstrated that many traditional law enforcement agencies have struggled with the implementation of COP in their departments. Several of the significant impediments to COP implementation are currently present in the WDFW. The three most noteworthy problems for the WDFW are: 1) a complete understanding of the role of a WDFW law enforcement officer; 2) how the current performance evaluations will impact law enforcement officers engaged in a collaborative venture; and 3) the lack of timely and nuanced communication in the agency between veteran and rookie officers, and between supervisory and line officers.

Coursing throughout many of the younger WDFW officers' interviews was the common theme that collaboration is not an important part of their job duties. Whatever the reason, these inexperienced officers generally do not believe that working with the public to solve complex natural resource issues falls under the purview of their responsibilities. Many of these officers believe a collaborative undertaking is the responsibility of a supervisor or another division within

Figure 6.1 – A Theory Explaining the Difference Among Seasoned and Less Experienced

WDFW Officers’ Views Towards Collaboration

<p>1. Pre-full police power DOF and DOW officers viewed the community as a partner</p> <p style="text-align: right;">↓</p>	<p>8. BLEA trains WDFW officers to become police officers and does not focus on cooperative compliance techniques</p> <p style="text-align: right;">→</p>	<p>9. Early 21<sup>st</sup> century, paradigm shift within policing towards militarization</p> <p style="text-align: right;">↓</p>	<p><b>These internal WDFW law enforcement problems may lead to difficulties with the implementation of collaboration</b></p>
<p>2. 1987-1988 DOF and DOW officers are granted full police power</p> <p style="text-align: right;">↓</p>	<p>7. Post-full police power WDFW officers tend to view the community as an entity to be controlled</p> <p style="text-align: right;">↑</p>	<p>10. Militarization role of police reinforced through popular television shows</p> <p style="text-align: right;">↓</p>	<p>Lack of communication between experienced and rookie WDFW officers about entire job duties</p> <p style="text-align: right;">↑</p>
<p>3. All DOF and DOW officers must attend BLEA police academy</p> <p style="text-align: right;">↓</p>	<p>6. As time progresses, experienced WDFW officers are promoted/phased out of training positions</p> <p style="text-align: right;">↑</p>	<p><b>**Past actions and events have manifested into the current WDFW law enforcement organizational and officer-level problems **</b></p> <p style="text-align: right;">↗</p> <p style="text-align: right;">→</p> <p style="text-align: right;">↘</p>	<p>Quantitative driven performance evaluation method by WDFW administration is contradictory</p> <p style="text-align: right;">↑↑</p>
<p>4. Old DOF and DOW officers view full police powers as one possible tool to achieve compliance with relevant laws</p> <p style="text-align: right;">→</p>	<p>5. 1994 DOF and DOW combine into WDFW</p> <p style="text-align: right;">↑</p>		<p>Present lack of understanding of the complete role of a WDFW law enforcement officer</p> <p style="text-align: right;">↑↑↑</p>



WDFW. For implementation of collaboration to be successful, clearly the line officers are going to have to accept this new assignment and believe it is a worthwhile use of their time.

Concomitantly, the WDFW law enforcement administration will need to resolve the ongoing confusion surrounding the agency's performance expectations. While almost all of the supervisors understood the WDFW performance expectations to be benchmarks and guidelines, many of the inexperienced officers recognized them as the *defining* tool used by the administration to evaluate the professional progress of the officers. Even though WDFW officers in the past were honored for their work in collaborative efforts, many officers were unaware of these events. Until there is a clear appreciation by the line officers that a low citation or arrest total is acceptable as long as there is a balance with collaborative work, most line officers will not abandon the traditional style of law enforcement.

Lastly, there appears to be a serious miscommunication problem within the law enforcement division of the WDFW. The fact that many young officers do not believe that working with the public is part of their duties and that numerous officers are uninformed of as to the professional benefits to collaboration leave the researcher with the distinct impression that the wishes of the WDFW administration are not filtering down to the line officers. Perhaps the administration is conveying these requests, but the younger officers are choosing not to abide by them. Additionally, the wealth of knowledge of the veteran officers is not being effectively disseminated to the new generation of officers. The history of experienced officers' who can recall the need to regard the citizenry as partners and not as threats may be lost as these officers rapidly approach retirement age. The WDFW should find a way to impart this unique work history and understanding of the value of collaboration to the next generation of leaders within the department.

The evidence examined here would seem to suggest that the WDFW is not fully prepared for a successful implementation of collaboration at this time. As more experienced WDFW law enforcement officers retire, move away from training roles in the department, and take supervisory roles collaboration will become less and less likely to be accepted by younger experienced officers. The successful implementation (or re-implementation) of collaboration in the WDFW law enforcement division would seem doubtful without further concentrated efforts being made to accomplish this goal. Fortunately, there are numerous adjustments that the WDFW law enforcement administration could make to increase the likelihood of successful implementation of collaboration in the organization. These modifications and recommendations are set forth in the next and final chapter.

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## CHAPTER SEVEN

### RECOMMENDATIONS AND CONCLUSION

#### Introduction

This concluding chapter summarizes the principal findings, and provides recommendations for the law enforcement division of the WDFW intended to assist the leadership of that agency unit in their laudable and timely efforts to implement collaboration as a useful problem solving tool for gaining broadly-based compliance with natural resource rules and regulations. It is necessary for the WDFW to address a number of organizational management concerns raised here to facilitate the widespread adoption of collaboration within the agency; most of these concerns are similar to the difficulties faced by traditional police organizations as they have attempted to implement new philosophical approaches to law enforcement work over the course of time in the United States. Unfortunately for the WDFW, some of the difficulties associated with promoting a cooperative problem solving approach to issues of effective stewardship of natural resources have little to do with internal organizational dynamics. In some situations, the public's long-held suspicion of federal and state natural resource management agencies may dissuade the citizenry from participating in a joint problem solving venture. In most circumstances, however, collaboration is both a promising and under-utilized approach to managing natural resource and environmental conflicts because of the American proclivity to rely upon the threat and actual use of litigation to transfer conflicts to courts and/or the political arena.

The grounded theory approach employed in this study led to the identification of numerous WDFW officer concerns about the agency's multi-year, concerted effort to implement collaboration as a tool for resolving controversial natural resource disputes. The three most

significant worries raised by the officers regarding the department's endeavor to shift its law enforcement paradigm away from a traditional crimefighter mold to a collaborative philosophy were: 1) a concern over the lack of clarity in the communication of the preferred role model of a WDFW law enforcement officer; 2) a concern over how the current performance evaluation system will adversely impact law enforcement officers engaged in collaborative ventures; and 3) the insufficiency of communication in the agency between veteran and rookie officers, and between supervisory and line officers. The administration of the WDFW law enforcement division must address all three of these areas of officer and supervisory personnel concerns if collaboration is to be widely adopted and put into effective use in this branch of the agency.

#### *A Recap of the Public's Mistrust of Governmental Natural Resource Management Agencies*

At the beginning of the 20<sup>th</sup> century, the political and institutional reforms brought about by the Progressive Era helped define many of the long-term missions and goals sought by the federal government in regards to the conservation of the nation's natural resources. In terms of water resource management planning and policy development, the citizens of the American West experienced the full weight of the federal government's centralized decision-making authority. The federal government accomplished most of its water conservation and resource management goals by constructing a vast network of impoundments and large concrete dams under the advice of well-trained scientists and engineers guided by the best available science of the time. These experts tended to view their projects as great technical challenges that put unemployed Americans back to work to rebuild the nation's infrastructure. These well-intentioned experts largely ignored relevant input suggested by local interests possessing "local knowledge" in the course of their work; this local knowledge turned out in retrospect to be highly relevant to the effective stewardship of natural resources in the American West.

As the 1960s gave way to the 1970s, many of the federal government's objectives concerning natural resources changed in fundamental orientation from conservation directed to sustainable exploitation to *preservation*. The well-trained scientists and engineers managing the nation's natural resources still continued to assert a virtual monopoly over the government's decision-making processes regarding the country's abundant but often fragile natural resource heritage. As the dictates of the preservationist agenda unfolded in the American West, countless citizens perceived the seemingly endless string of federal regulations as a major impingement on their ability to use their land and water to earn a decent living, and their discontent eventually boiled over into protests and organized movements, such as the Sagebrush Rebellion and the Wise Use Movement. Even though in recent years the federal government has softened some of its unilateral control over the nation's natural resources and sought to actively involve local interest groups in the resource management decision-making process, a deep-seated dislike of the federal government and some of its state agency partners still simmers among many citizens living in the rural West communities of the United States who are often heavily affected by federal policies and programs.

*The Results of Traditional Enforcement versus Collaboration in Washington State*

Washington state has witnessed its own home-grown backlash regarding the management of the region's natural resources. When several Pacific salmon species were declared threatened or endangered under the Endangered Species Act, the National Marine Fisheries Service and the WDFW devised a recovery effort designed to delist the imperiled fish. In the Methow Valley River Basin where irrigation ditches were a major source of endangerment to fish passage and rearing the two agencies began a collaborative enforcement effort; however, this effort suffered some early breakdowns and was abandoned in favor of traditional threat of litigation and forceful

enforcement tactics. The perceived heavy-handed enforcement techniques employed to gain ultimate compliance with the fish recovery plan alienated most of the area's residents, and likely made any further natural resource recovery and protection efforts extremely contentious affairs pitting suspicions and untrusting citizens against governmental authorities bearing a heavy burden of a reputation for lording it over local communities with the superiority of their resources and legal authority.

Conversely, in an attempt to recover threatened and endangered salmon in the Walla Walla River Basin, WDFW law enforcement Officer Mike Bireley initiated the creation of the Cooperative Compliance Review Program (CCRP) and worked tirelessly to maintain progress toward a collaborative solution to the wicked natural resource problems to be dealt with in the area. The CCRP ultimately involved all relevant stakeholders in a partnership effort directed toward the delisting of the declining fish populations. The CCRP was widely viewed as a resounding success, and Officer Bireley was promoted to the rank of Captain and awarded recognition by then-Governor Gary Locke for his outstanding work. Many citizens and community-based groups in the area have continued to support the WDFW in its numerous natural resource recovery and habitat management endeavors. In many ways the community/police partnerships that lie at the heart of community policing are plainly visible in how the WDFW and its law enforcement officers in Walla Walla relate to their particular service area.

#### *Some of the Concerns with Adopting Collaboration Instead of Litigation*

Despite the clear benefits of collaboration, it remains a relatively seldom-used problem solving technique in the United States because of the nation's historic reliance on litigation and the court process for conflict resolution. The traditional legal protocol (threat of and actual use

of lawsuits) is well-known and easily understood by Americans; civil litigation in the United States is far more frequent and extensively used than in any other democratic nation (Kagan, 2001; Sanders, 2003). Lawsuits (threatened and actual) increase the ability of environmental group to maintain pressure on the government to ensure its agencies are adequately protecting the nation's natural resources. Additionally, the use of the court review process allows environmental, tribal, governmental, business, and other interests to delay unfavorable actions until a broader public discussion is initiated and political forces can be mobilized. As witnessed in the Snake River salmon case study, litigation was utilized over the course of a decade by environmental, tribal, governmental, energy production, commercial fishing, and river transportation interests to further their respective causes. Since the opposing parties were all relatively comfortable with the court-directed process for conflict resolution, it is unlikely that a collaborative problem solving venture will be attempted by the parties in the future.

While litigation has its own advantages in many situations, collaboration does have many benefits which litigation cannot match in resolving contentious environmental disputes. Collaboration promotes face-to-face communication among competing interest groups, focusing interactions on the identification of a workable resolution acceptable to all parties. Instead of relying on assumptions and stereotypes, collaborative partnerships encourage rival parties to share technical information and qualitative insights alike. Even though collaboration is a useful approach in many settings, its use will not resolve all controversial environmental debates; “failed” collaborative undertakings, however, can (and often do) improve working relationships among opposing parties and lessen the likelihood of future divisive conflicts. The Applegate Partnership case study is a classic example demonstrating how a collaborative endeavor can create practical solutions to once heated natural resource dilemmas. The Applegate Partnership



definitely experienced numerous struggles in achieving a series of workable compromises, but the dogged pursuit of an acceptable resolution for all the interested stakeholders made a seemingly irresolvable situation destined for litigation much more manageable. In the process of working at collaboration the practice of building social capital – especially connecting people across social divides – has been presented in the Applegate and in other communities where similar processes have taken place (Weber, 2003).

### *Problems of Organizational Change in American Police Departments*

The process of accomplishing a successful philosophical shift in any organization, especially a police agency, is never an uncomplicated task. American police departments have undergone two paradigm changes over the last one hundred years. At the turn of the 20<sup>th</sup> century, American police departments were riddled with political corruption. In an effort to eliminate the corruption, Progressive Era reformers attempted to professionalize the law enforcement operations of local governments by instituting merit-based selection processes and standardized training for their police officers and establishing a quasi-military, centralized command structure. Additional organizational reforms were implemented in American policing in the 1930s and 1940s. As the selection and training processes became more wide-reaching and more deeply entrenched nationwide, police reformers next attacked the problems of police effectiveness and inefficiency. Police officers who were once required to perform a wide array of social service duties were increasingly redirected toward a focused effort at fighting crime and catching lawbreakers after the commission of a criminal offense.

The image of the American police officer as a steadfast crimefighter with a highly focused mission persisted into the 1960s and early 1970s. In time, however, sweeping changes in the social and political fabric of the American societal landscape affected the institution of

policing in major ways. In the context of escalating crime rates, civic leaders began to demand that municipal police officers be more responsive to the diverse public safety needs of the communities they served. Initial attempts to meet this challenge to American law enforcement through team policing largely failed where the idea was attempted by reformers; however, bolstered by significant academic research in policing innovations in the late 1970s and early 1980s the concept of *community-oriented policing* (COP) began to gain acceptance in police departments around the nation. Initially the implementation of COP confronted numerous internal obstacles created by resistant police officers; many police departments struggled mightily with implementation, and some law enforcement agencies outright failed to put the emerging policing philosophy into practice. Negative attitudes towards COP by many officers, resistance to the idea by middle managers, lack of appropriate training for police personnel, and the inability to evaluate and reward COP achievements appropriately all increased the difficulty of implementing the new paradigm. Some of the same internal organizational dynamics and officer resistance associated with the adoption of COP in American police agencies will most likely need to be addressed by the administration of the law enforcement division of the WDFW in its attempt to implement collaboration as a primary problem solving approach in dealing with contentious natural resource issues.

#### *Possible Changes for the WDFW to Consider in the Hiring Process*

Many WDFW law enforcement officers enjoy hunting and fishing in their personal time. One of the most attractive aspects of the job is the fact that WDFW officers are often in contact with the natural resources they love. Almost all of the WDFW officers interviewed stated they went into their current careers in order to help protect the state's valued natural resources. Unfortunately, the officers only rarely interact with the "critters" they wish to protect. On

precious few occasions a WDFW officer will be called to assist a community with a problem bear or wayward cougar. Ordinarily, the WDFW officers come into frequent contact citizens choosing to recreate in the great outdoors. The individuals drawn to, and the personnel recruited to pursue a career in natural resource law enforcement, however, are in the vast majority of cases more interested in helping the resources than regulating the people seeking to enjoy them.

Furthermore, the WDFW requires that its law enforcement officers have a Bachelor of Arts or Bachelor of Science degree to qualify for a commissioned officer position. Interestingly, the WDFW is the only law enforcement agency in the State of Washington that requires its officers to possess a college degree. In the past, the WDFW insisted that an applicant's college degrees be related to the fields of natural resource sciences or criminal justice. The department did, however, on occasion make some allowances for college degrees that were related to or associated with the desired academic disciplines. The specific academic focus of the degree has since been loosened to include *any* college degree, but the department's preference is still accorded to individuals with an education in either natural resource science or criminal justice. Unfortunately, criminal justice and natural resource science degree curricula do not generally entail studying how to improve interpersonal communications or enhance student understanding of the groups of people that fish and wildlife law enforcement officers are likely to come into contact with in the course of their work.

The potential flaw in the educational requirement and the recruiting tactics adopted by the WDFW is that prospective applicants who have earned college degrees that do focus on studying groups and social phenomena and do work on understanding and communicating with people – namely, communications, sociology, and psychology – do not appear to be actively sought by the WDFW. The preferred college educations of prospective applicants continue to be

focused on direct preparation for regulating “critters” or dealing with criminals. Knowledge regarding wildlife rules and arrest procedures can be learned, of course, which is why new WDFW officers spend a minimum of 33 weeks in training before they are allowed to patrol on their own. The ability to practice good listening skills and the capability to work with diverse groups of people is easier for some persons than others, but these are learnable skills for most people. WDFW officers cannot wait until they are faced with a situation requiring that they work with hostile groups challenging their authority to try and develop good collaborative abilities. WDFW officers with job experience prior to receiving full police powers in 1987 all explained the absolute necessity of being able to collaborate and create partnerships with people and groups in the communities in which they work; recall, however, that many veteran officers complained that their younger counterparts were far less likely to utilize this important policing tool. If the WDFW were to expend more effort into recruiting people with skill sets focused on interacting with diverse parties, the younger officers might be more inclined to appreciate the value of working collaboratively with different interest groups as they move along in their careers as fish and game law enforcement officers.

#### *Potential Modifications to the Training of WDFW Law Enforcement Officers*

As mentioned by many of the experienced WDFW law enforcement officers interviewed, the Washington State Basic Law Enforcement Academy (BLEA) is highly proficient at molding recruits into professional cops. Speaking from personal experience, the researcher can attest that the majority of the 19-week instructional material was devoted to issues of officer safety and proper police procedures regarding such topics as arrests, searches, and Washington’s criminal law statutes. While these tools are extremely valuable for the would-be police officer, very little

of the BLEA training is focused on COP or teaching officers how to establish and maintain productive working partnerships with members of the community.

After graduation from the BLEA, WDFW law enforcement officers receive approximately two weeks of training in Olympia characterized as “in-house” training by the agency. During the in-house training period, the new officers are mainly exposed to the veritable maze of WDFW procedures and protocols, as well as some of the relevant regulations derived from Title 77 of the Revised Code of Washington (RCW). This section of the RCW’s exhaustively details the state’s fish and wildlife laws. Currently, the in-house training provided to the new officers does not educate them about collaboration or advise them of any of its successful applications to the agency’s work. The WDFW clearly has not taken systematic advantage of the opportunity to use the lessons learned from the Methow Valley and Walla Walla River Basins ESA enforcement efforts in the indoctrination of the new law enforcement officers brought on board. Perhaps some instruction on the hidden perils of strict and heavy-handed law enforcement and some instruction on the potential for favorable outcomes resulting from collaboration may inspire some officers to make use of the option of collaboration when encountering contentious natural resource disputes.

After the short in-house training period, the agency’s new officers engage in three months of personalized instruction and mentoring from veteran officers during the field training officer (FTO) program. The FTO process exposes the rookie officers to the real-world experiences of an experienced WDFW law enforcement officer. Virtually all American police agencies make systematic use of the FTO period to assess the career potential for their new officer candidates. The FTO process is often a trying time for young officers because they are trying to learn from their mistakes and master policing concepts under the close supervision a seasoned veteran. The

FTO process is particularly challenging for new WDFW officers because not only are they learning the policing aspect of their job, but they are also trying to understand the often intricate nuances of Title 77 of the RCW. Since every FTO has developed his/her own personal biases, virtually all FTOs perform their training tasks differently. As a consequence, it is not feasible to make the FTO process *exactly* the same for every young officer; however, the WDFW could mandate that the FTO experience expose the trainee to at least *one* collaborative venture. Based on the data collected during the interviews, it is evident that the topic of collaboration, and the subject of its potential value to the career of WDFW law enforcement officers, is not being communicated effectively to the junior officers.

As the WDFW officers progress through their professional career with the department they are continually receiving additional in-house training of varying types. Perhaps it would be feasible for the WDFW to rely on the veteran officers experienced in collaboration to convey some of the usefulness of collaboration to the younger officers at these trainings. The seasoned veteran officers could relay some practical information about how to best approach collaborative situations by describing their own past experiences. Younger officers may be more inclined to become involved in collaboration after listening to trusted and respected veteran officers relating their personal experiences in the context of agency-directed and supported training.

The WDFW may also consider hiring outside training services to enhance skills related to effective collaboration. While a majority of the law enforcement officers interviewed did not give high marks to the NRLA training, the complaints offered typically centered on the particular material presented – not the idea of training in collaborative problem solving in general. In fact, a number of the officers interviewed expressed the view that collaborative training is essential – especially for younger WDFW law enforcement officers. The data collected from the interviews

demonstrate clearly that the WDFW's current approach to training its new officers in collaboration has been rather ineffective.

### *The Continued Problems of the Current Performance Evaluation Process*

The area of established performance expectations within the WDFW constitutes another area of concern. Even some of the veteran officers have observed that it appears to most officers that the WDFW law enforcement division administration has placed greater emphasis on the agency's officers meeting their yearly "numbers" of arrests, citations, and other easily quantified data as opposed to the officers' efforts to create and maintain productive working partnerships with people and groups in the communities they serve. Undoubtedly, a major part of the administration's desire to establish and maintain uniform performance standards for the officers is the drive to professionalize the department. A perhaps unanticipated consequence of the professionalization movement by the WDFW administration, however, has been the dissemination of the perception among most of the agency's law enforcement officers that the management truly does consider the achievement of the performance expectation "guidelines" as the most viable way to evaluate an officer's yearly accomplishments and career progress.

Even though the WDFW administration did visibly reward and publicly praise the officer who developed and implemented in the CCRP for his collaborative efforts, the popular sentiment among rank-and-file officers is that meeting their performance expectations remains the most assured path to receiving a favorable evaluation by one's superior officer. It is quite possible of course, that the administration of the WDFW law enforcement division is not clearly communicating their wishes for more frequent use of collaborative approaches to the line officers in the field. Even worse, perhaps, it is possible that the WDFW administration may be sending mixed signals to the officers concerning their primary duties and career development

expectations. According to the WDFW Enforcement website, some of the biggest challenges facing the enforcement program are the following: the decreasing ratio of law enforcement officers to citizens of Washington state, which currently stands at 1:35,000; the increasing number of contacts between “problem” animals, such as cougars and bears, and humans; and the rise in damage complaints from agricultural areas due to the encroachment of humans into established animal habitat.<sup>8</sup>

It is clear that these problems would best be approached through a series of collaborative problem solving efforts by the agency, with law enforcement officers placing a major role in these efforts in the specific communities affected most directly by these problems. Since the ratio of WDFW officers to the public is decreasing, it will be progressively more difficult for officers to catch individual lawbreakers in the act. One WDFW officer hiding in the woods attempting to apprehend a wrongdoer is not a very efficient use of personnel resources. Alternatively, an officer contacting multiple interest groups may be able to greatly reduce the possibility for misconduct by citizens. While hiring more law enforcement officers could increase the probability of officer/citizen contact, there is little prospect of a substantial enhancement of law enforcement personnel in the WDFW. Since the primary goal of enforcement is to protect the state’s natural resources, it would be a wise tactic to try to stop criminal actions before they occur.

Additionally, the last two problems mentioned by the WDFW Enforcement website appear to be particularly germane to the use of collaboration. During his interview session one of the WDFW supervisory officers mentioned a problem in his region where a large number of

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<sup>8</sup> All of the information regarding the WDFW Enforcement website can be viewed at:

<http://wdfw.wa.gov/enf/enforce.htm>



farmers were complaining about damage to their crops caused by a large herd of elk. Instead of having officers continually respond to calls for service and document a seemingly endless number of damage reports, the supervisor convened a series of meetings with the affected landowners and the WDFW. The ultimate result of the discussions held in these meetings was a lengthened elk hunting season; the continual harassment from hunters prompted the animals to relocate to a more remote habitat. The farmers' damage complaints were drastically reduced by this collaborative decision, and the WDFW officers were able to pursue other important concerns in their region. Even though the ratio of the number of WDFW officers to the state's public may be increasing, a more extensive use of collaboration might compensate for the shortage of personnel and allow the agency to increase the efficiency of its law enforcement work.

The WDFW Enforcement website also lists its top two visions for the future, and those read as follows: 1) the securing of eventual accreditations from the Washington Association of Sheriffs and Police Chiefs (WASPC) and the Commission on Accreditation for Law Enforcement Agencies (CALEA); and 2) the institutionalization of COP, or what the WDFW refers to as resource-oriented enforcement (ROE). The website describes ROE as "an officer in the field [that] works within his/her community as a partner with local government and local constituents to solve problems at the local level." These two goals mentioned in the website by the administration are seemingly contradictory.

The assessment criteria of both the WASPC and the CALEA accreditation processes are primarily concerned with the professionalization of police departments.<sup>9</sup> While the

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<sup>9</sup> The Washington Association of Sheriffs and Police Chiefs website can be viewed at:

<http://www.waspc.org/index.php>

The Commission on Accreditation for Law Enforcement Agencies website can be viewed at:

<http://www.calea.org/>

professionalization of police departments has many benefits, the process has in the past created numerous difficulties for these organizations when they attempted to implement COP. Recall, that although professionalization reduced the influence of outside political sources on the police departments, eventually the detached approach of the officers towards their communities produced significant problems for the relationship between the citizenry and the police (Goldstein, 1977). The goals of WASPC and CALEA professionalization relate to the achievement of uniformity and homogeneity in agency processes and practices, and the maintenance of strict lines of reporting and accountability. Collaboration, however, does not prosper in that type of highly structured atmosphere. Every natural resource dilemma has a different set of actors, with differing relationships, and stakeholders promoting dissimilar goals. A “one-size-fits-all” collaborative approach to distinctive natural resource disputes will likely prove ineffective at creating workable resolutions – and even worse, may result in more public hostility towards the WDFW rather than eliciting greater trust.

The second vision for the future described by the WDFW Enforcement website does indeed feature a focus on collaboration. ROE expresses a hopeful view of the ability of WDFW law enforcement officers to work effectively with different interest groups at the local level to create thoughtful cooperative solutions to often complex problems. A noteworthy potential problem with ROE is that the agency’s administrative leadership is providing seemingly contradictory visions of the future to its law enforcement personnel. While the goal of professionalization is well-served by the current processes of performance evaluation, that method and performance assessment criteria are not congruent with ROE. After a 19-week professionalized police training academy, a two-week in-house training program where collaboration is generally not emphasized (and often ignored entirely), and a 12-week FTO

program where the various FTOs may be hostile towards collaboration, the possibility that a new officer will adopt a collaborative approach to virtually any problem faced in the field is not great. While the administration may desire more ROE activities from their officers, they are not creating an environment particularly conducive to a paradigm change toward collaboration.

Additionally, the WDFW law enforcement administration has generated another inconsistent message concerning the acceptance of collaboration within the organization. A link from the WDFW Enforcement website honors the 2005 Officer of the Year.<sup>10</sup> In listing the officer's accomplishments for the year, the website states in part that the officer, "made 206 arrests and issued 44 written warnings in cases that involved a wide range of activities, including commercial fishing violations and big game poaching." The website makes no mention of any collaborative ventures or community partnerships initiated by the officer. Furthermore, Chief Bjork states, "[h]e's a top-notch field-training officer, who serves as a role model for newly recruited officers."

This researcher is definitely not trying to diminish or ridicule the WDFW 2005 Officer of the Year's accomplishments, or to suggest that he is not an excellent officer. Chief Bjork and the WDFW administration are obviously qualified to evaluate their personnel. What is noteworthy about the officer's listed achievements, however, is that the website specifically notes the officer's citation and arrest totals, and the fact that he is an excellent veteran officer for younger officers to emulate. A rookie officer in another region who does not know the WDFW 2005 Officer of the Year may be left with the indelible impression that the key to professional success in the department is the number of citations and arrests made per year. What vision for the

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<sup>10</sup> Information regarding the WDFW 2005 Officer of the Year website can be viewed at:

<http://wdfw.wa.gov/do/newreal/release.php?id=nov2305a>

future is the rookie WDFW line-officer going to adopt: the widely accepted and predictable performance standards with tangible numbers to achieve, or the more subjective and challenging collaborative tract that is not well promoted and appears to have no clear evaluation structure?

It is also important to note that the researcher is unaware of any of the accomplishments of the previous WDFW Officer of the Year winners. Perhaps in the past the WDFW has bestowed this honor upon law enforcement officers that have participated in collaborative undertakings. Regardless of any of the past WDFW Officer of the Year winners' achievements, the importance of this year's winner is that the department focused on the easily quantifiable numbers and not any collaborative activities. The mere discussion of any of the WDFW 2005 Officer of the Year's collaborative actions would help to establish a balance between collaboration and performance expectation "guidelines," and perhaps alleviate many of the line officers' concerns about not meeting the department's expectations by becoming involved in collaborative ventures.

### **Conclusion**

Considerable obstacles remain for the law enforcement division the WDFW to overcome in their effort to implement the paradigm shift to a primary reliance upon collaboration in resolving contentious natural resource conflicts.<sup>11</sup> In this regard, the department would be wise to give closer attention to prospective officers' desire and/or ability to utilize collaboration in the way the ROE specifies. It also does not appear as if the department is actively promoting ROE and collaboration in training programs. After 33 weeks of professionalized police training rookie

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<sup>11</sup> All hope is certainly not lost for the law enforcement division of the WDFW. Although there are many difficulties to be faced if the administration is truly dedicated to implementing collaboration the agency can continue to replicate the many successes it has achieved through its collaborative efforts. Refer to Figure 7.1 for a synopsis in this regard.

Figure 7.1 – A Progress Report for the WDFW Law Enforcement Division

<b><u>The Successes of WDFW</u></b>	<b><u>The Challenges for WDFW</u></b>
1. The CCRP in the Walla Walla watershed	1. Correcting administrative inconsistencies about the role of officers
2. Increasing the professionalism of its officers	2. Reformulating performance evaluations to reward collaborative efforts
3. The retention of well qualified veteran officers	3. Ensuring the expertise and knowledge of veteran officers is not lost when they retire
4. The hiring of motivated younger officers	4. Restructuring the in-house and FTO training to accommodate collaboration
5. Sharing the success of the CCRP and collaboration with younger officers in the Walla Walla detachment	5. Encouraging potential applicants with diverse academic backgrounds to apply for a law enforcement position
6. The administration attempting to train its officers in collaboration	

officers should have a reasonably good understanding of the importance of creating working partnerships in the community for resolving complicated natural resource problems if the new paradigm is to be successfully implemented in the department. Perhaps most importantly, however, the WDFW law enforcement administration needs to present a consistent message to its law enforcement officers about the organization’s commitment to the paradigm shift toward collaboration. The interview process and the grounded theory approach to understanding strongly suggest that the next generation of line officers who will become the agency’s FTO officers are themselves hesitant to adopt a collaborative approach for fear that they may not meet their yearly performance expectations. Until the department can resolve the

communication issues implied by this situation, it would seem that the successful implementation of the paradigm shift toward collaboration remains a somewhat distant goal.

Thinking on a broader scale, it appears that the adoption of a collaborative approach by other state and federal natural resource law enforcement agencies as advocated by William Ruckelshaus<sup>12</sup> and the present-day advocates of Cooperative Conservation<sup>13</sup> is entirely possible. For the WDFW, the most important factor that appeared to determine whether or not an officer had an understanding and appreciation for the usefulness of collaboration was prior experience with the cooperative problem solving approach. Hearing about the success of the Walla Walla River Basin CCRP program did not seem to influence many other officers' acceptance of collaboration, while direct involvement in successful collaborative efforts did appear to have lasting positive effects. This fact represents helpful information for other natural resource law enforcement agencies because it appears as if a one-time large-scale collaborative venture, such as the CCRP can likely be followed up with effective experience-based training led by respected officers. It would seem likely that a natural resource or environmental regulatory agency could make an effective transition toward a collaborative orientation in its work if it made a major concerted effort to tailor its recruitment, training, and reward systems to reinforce an organizational commitment to collaborative problem solving. The history of COP in civilian law enforcement would seem to indicate that this is indeed an achievable goal, but this integrated effort takes a substantial period of time.

Further research is indeed needed to explore the potential difficulties to be overcome in the implementation of cooperative problem solving techniques in other natural resource and

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<sup>12</sup> Ruckelshaus and Hausker, 1997.

<sup>13</sup> The White House Conference on Cooperative Conservation was held in St. Louis, Missouri, August 29-31, 2005.

environmental law enforcement agencies. For example, additional research focusing on the other divisions of the WDFW and similar agencies is needed to understand if these branches (e.g., natural science-trained specialists, legal advisory staff, and others) express the same or different concerns with collaborative approaches as do the personnel in the law enforcement division. Based on this research study, other natural resource law enforcement agencies may want to consider particularly carefully the content of their training programs, the focus of their recruitment plans and the degree of consistency present in their communication of expectations to their rank-and-file personnel. As with the successful implementation of COP in American policing, an integrated plan of action with respect to selection, promotion, reward, and mission-setting systems within an agency is necessary for the accomplishment of a paradigm shift in law enforcement agencies. While some movement toward such a shift is evident among law enforcement officers in the WDFW, it would seem that much more work remains for ultimate victory to be proclaimed in this assuredly challenging effort.

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**Interview Guide**

*Natural Resource Law Enforcement Officers’  
Attitudes About and Perceptions of Collaboration*

1. How long have you been involved in the field of natural resource law enforcement?
2. Please describe to me your understanding of the term *collaboration* as it relates to your profession.
3. Please explain any prior exposure, training, or education you have had concerning collaboration.
4. What are your thoughts regarding the ability of collaboration to be a successful law enforcement tool? Is the use of collaboration a good tactic for people in the natural resource law enforcement profession? Why or why not?
5. What are your feelings regarding your administration’s acceptance of collaboration as a legitimate law enforcement tool?
6. How will the adoption of collaborative methods and techniques affect your job goals and performance?
7. What difficulties, if any, will you face in utilizing collaborative skills in the performance of your job?
8. How would you perform your job duties if your sergeant/supervisor was anti-collaboration, even though the agency administration is pro-collaboration?
9. What reactions, if any, have your colleagues had in reference to the emergence of collaboration in your profession?
10. Should new employees automatically be trained in collaboration? Why or why not?
11. Has your supervisor or management supported your efforts to implement collaborative methods?
12. Some officers have expressed the view that the use of collaboration will create undue strain on the already limited number of active law enforcement officers. What are your feelings on this issue?
13. Is there anything else you would like to add?

Appendix 2 – A Comprehensive List of Every Question Asked During All 43 Interviews

**Interview Guide**

*Natural Resource Law Enforcement Officers’  
Attitudes About and Perceptions of Collaboration*

1. How long have you been involved in the field of natural resource law enforcement?
2. Please describe to me your understanding of the term *collaboration* as it relates to your profession.
3. Please explain any prior exposure, training, or education you have had concerning collaboration.
4. What are your thoughts regarding the ability of collaboration to be a successful law enforcement tool?
5. Is the use of collaboration a good tactic for people in the natural resource law enforcement profession? Why or why not?
6. What is your familiarity with the past ESA enforcement efforts in the Methow Valley and Walla Walla River Basins?
7. What is your familiarity with other collaborative efforts from the law enforcement division of WDFW?
8. Please describe any/all of your experience using collaborative skills on the job.
9. Why should WDFW use collaboration to resolve conflicts?
10. What are your feelings regarding your administration’s acceptance of collaboration as a legitimate law enforcement tool?
11. How will the adoption of collaborative methods and techniques affect your job goals and performance?
12. What difficulties, if any, will you face in utilizing collaborative skills in the performance of your job?
13. How would you perform your job duties if your supervisor was anti-collaboration, even though the agency administration is pro-collaboration?
14. What tactics can WDFW utilize to influence line officers to support collaboration?

15. What tactics can WDFW utilize to influence supervisory officers to support collaboration?
16. How do supervisors properly motivate an unwilling officer to try collaborative skills in performance of his/her job?
17. Should new employees automatically be trained in collaboration? Why or why not?
18. Has your supervisor or management supported your efforts to implement collaborative methods?
19. Some officers have expressed the view that the use of collaboration will create undue strain on the already limited number of active law enforcement officers. What are your feelings on this issue?
20. How will the incorporation of collaboration in the agency impact hiring practices?
21. WDFW currently uses easily quantifiable information to track officer progress and productivity. How does the agency reconcile this standard of performance evaluation to reflect collaborative methods?
22. What reactions, if any, have your colleagues had in reference to the emergence of collaboration in your profession?
23. As an officer, how do you try and employ collaboration when there is no threat of enforcement from local prosecutors or judges?
24. What is the community's role in collaboration?
25. How do you motivate a lethargic community to try collaboration?
26. How can you rely on other branches of WDFW to aid in using collaboration?
27. What are the intra-agency communication barriers that may make collaboration difficult to implement?
28. Would your supervising officer support you in your attempts to try collaboration? Please explain.
29. Is there anyone else in your agency that I should talk to regarding this topic?
30. Is there anything else you would like to add?

Appendix 3 – Washington State University Internal Review Board Human Subjects Form

WASHINGTON STATE UNIVERSITY  
CONSENT FORM Research Projects - Natural Resource Law  
Enforcement Officers' Attitudes About and Perceptions of  
Collaboration

Researcher: **Ryan Patten**

Researchers' statement

I am asking you to take part in a university-based research study. The purpose of this consent form is to give you the information you will need to help you decide whether to be in the study or not. Please read the form carefully. You may ask questions about the purpose of the research, what I would ask you to do, the possible risks and benefits, your rights as a volunteer, and anything else about the research or this form that is not clear to you. When I have answered all your questions, you can decide whether or not you want to be in the study. This process is called 'informed consent.' I will give you a copy of this form for your records if you like.

PURPOSE AND BENEFITS

The purpose of the research is to gain an understanding of the opinions and attitudes of natural resource law enforcement personnel concerning the use of collaboration in their profession. Previous research conducted by faculty at WSU has highlighted the fact that Washington state residents prefer that law enforcement officers act collaboratively with citizens when trying to resolve natural resource problems arising from the need to comply with environmental regulations. Since collaboration requires the good-faith efforts of the law enforcement personnel, it is important to gather information on how officers feel about the use of the collaborative process in their profession. It is not anticipated that you will benefit in any way from this interview other than learning a lot about this area of your work.

PROCEDURES

I will ask you to answer several interview questions related to the research question stated above. I will audio-tape our conversation. The interview will take about one hour. You may refuse to answer any question, and you may stop the interview at any time. Your responses will be kept strictly confidential.

RISKS, STRESS, OR DISCOMFORT

If you experience any discomfort or stress from the interview, you may stop it at any time.

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Printed name of researcher

Signature of researcher

Date

Subject's statement

This study has been explained to me. I volunteer to take part in this research. I have had a chance to ask questions. If I have general questions about the research, I can ask the researcher listed above. If I have questions regarding my rights as a participant, I can call the WSU Institutional Review Board at (509)335-9661. This project has been reviewed and approved for human participation by the WSU IRB. I will receive a copy of this consent form upon request.

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Printed name of subject

Signature of Subject

Date