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UNIVERSITY OF CALIFORNIA, SAN DIEGO

What Difference Does Local Participation Make?
Contexts of Engagement in Regional Conservation Planning

A dissertation submitted in partial satisfaction of the
requirements for the degree of Doctor of Philosophy

in
Sociology

by
Caroline Worthen Lee

Committee in charge:

Professor Martha Lampland, Chair
Professor Amy Bridges
Professor Clark Gibson
Professor Chandra Mukerji
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Professor John Skrentny

2006

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The dissertation of Caroline Worthen Lee is approved, and it is
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Chair

University of California, San Diego

2006

In memory of Dick Pough (1904-2003), my ivory-billed woodpecker

But hopes are Shy Birds flying at a great distance seldom reached by the best of Guns.

John James Audubon (Streshinsky 1993)

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LIST OF ACRONYMS AND ABBREVIATIONS

ACE Basin	Ashepoo, Combahee, and South Edisto River Basin
ACC	Association of Conservation Commissions (New Hampshire)
SLLT	“Southern Lowcountry Land Trust” (South Carolina)
CA	California
CESA	California Endangered Species Act of 1984
CLCA	Center for Land Conservation Assistance (New Hampshire)
CRN	Conservation Resources Network (California)
CZMA	Coastal Zone Management Act
DU	Ducks Unlimited
DOT	South Carolina Department of Transportation
EDD/EPG	empowered deliberative democracy/empowered participatory governance
EPA	United States Environmental Protection Agency
ESA	The Endangered Species Act of 1973
EIR/EIS	environmental impact review/environmental impact statement
FWS/USFWS	United States Fish and Wildlife Service
HAN	“Habitat Action Now” (California)
HCP	habitat conservation plan
HCC	“Habitat Conservation Coalition” (California)
HPP	Habitat Protection Plan (New Hampshire)
IAP2	International Association of Public Participation
LCIP/LCHIP	New Hampshire Land Conservation Investment Program/Land and Community Heritage Investment Program
OSP	New Hampshire Office of State Planning
TNC	The Nature Conservancy
TPL	The Trust for Public Land
MARSH	Matching Aid to Restore State Habitat Program (Ducks Unlimited)
MOU	memorandum of understanding
MSCP	Multiple Species Conservation Program
NAWCA	The North American Wetlands Conservation Act of 1989
NAWMP	North American Waterfowl Management Plan of 1986
NCCP	California Natural Communities Conservation Planning Act of 1991
NEPA	National Environmental Policy Act of 1969
NERR	National Estuarine Research Reserve
NH	New Hampshire
NGO	non-governmental organization
NOAA	National Oceanic and Atmospheric Administration
NRCS	Natural Resources Conservation Service
NROC	Natural Resources Outreach Coalition (New Hampshire)
NWR	National Wildlife Refuge
SANDAG	San Diego Association of Governments
SC	South Carolina
SCDNR	South Carolina Department of Natural Resources
SID	“Sea Island Defenders” (South Carolina)
TVA	Tennessee Valley Authority
WMA	Wildlife Management Area

PREFACE

History will tell you that we have a record as a hot-headed city. We are still hot-headed. Almost always we have an issue to settle. We are not timid. We disagree violently with our best friends. We hold meetings and express our opinions with oratory worthy of Calhoun or Hayne. There is little monotony. It is too bad to be away long at a time. So much happens when one is away!

Elizabeth O'Neill Verner (1959 [1947])

I grew up around the corner from Verner's painting studio in Charleston, South Carolina, a small cosmopolitan city that had nevertheless consolidated its fiery tendencies by the Reagan era into a comfortable consensus among its white Protestant Republican majority. Going to school in a place where my lone Democratic vote was jeered in election year straw polls put me in a perpetual state of shrill, embattled dissent, obliged to fight my classmates' and teachers' goading on every political issue from apartheid to the death penalty. Although these arguments are the unremitting constant in all my elementary school memories, I am happy to report that my political convictions emerged unscathed by schoolyard trauma, and my classmates turned into gracious adults—many of whom became sufficiently tolerant of blue state liberalism to end up in New York City. But the insight that remains from those early experiences is that gleeful partisanship is an unremunerative art best practiced by unsupervised third graders. This dissertation is about passion and persuasion, but it is also about the pursuit of compromise—a dogged commitment to the transformative potential of political process that is, if anything, less monotonous than unyielding argument.

If my classmates and I had been sufficiently informed to discuss local-level politics, we would not have known what to make of our parents' support of Charleston's much-loved Democratic mayor, elected when I was three years old and still—twenty-five years later—serving in that post today. A politics of fixed position-taking maps much less easily onto local-level issues and idiosyncrasies, and particularly poorly onto questions of

community land use, where ideas about home rule and property rights bump up against subjective place attachments, environmental regulations, real estate bond markets, and ecological science. Not least, decisions on land use matters make various attempts to accommodate the animals whose awkward sharing of our spaces—sea turtles that prefer the unnaturally balmy waters of industrial outflow in San Diego, bald eagles who insist on nesting by an interstate highway in New Hampshire, a precipitous decline in ducks in South Carolina—so bedevils those who try to manage them by conserving or restoring their habitats. Charleston’s City and County Councils are regularly split on local land use issues in ways that do not accord with national party lines or affiliation with the strongest of strong mayors (Behre 2006b; Slade 2006). This is precisely why I find the coalitions I study and the engagement of local citizens in their discussions so compelling.

I am interested in the manufacture of compromises where pronouncements about the virtue or vice of particular decisions are not straightforward, and outcomes or alliances may not be explained away by unitary class or party interests. I am also interested in processes of community engagement where consensus about the justice of the procedures used is not easy to come by. This is not to assert that the people I study are less concerned with power and interests than anyone else. But I do mean in this preface to affirm both why I think this topic is worthy of study and where I stand politically on the treatment of compromise and the people who pursue it before I begin. My own perspective emphasizes the ascription of complex motives, conflicting and multiple purposes, and unintended consequences to processes negotiated not simply by interest representatives or possessors of stakes in outcomes, but by intimately-connected assortments of people with personal lives, professional responsibilities, and recreational hobbies that inform and conflict with one another.

My perspective is different from that of “elitist” theorists like Molotch, whose growth machine theory I use intensively here, but whose claim that he has studied and named the elite

“enemy” “almost to the point of listing addresses” (1999, 265) I detest, or from theorists like Mansbridge, with whom I agree on most things, but not on her perspective that there is such a thing as objectively “good” or “bad” processes of deliberation (2003, 180). That I respect these theorists but disagree vigorously with them on some points is indicative of my belief that theorists, too, are complex beings with nuanced perspectives. As far as my own position, I am, for a variety of personal and intellectual reasons, far less interested in the theoretical workings of abstract ideals than in understanding how they are articulated in context and practiced by real individuals. That such individuals may not, in fact, perform in exactly the way researchers or models predict makes this, for me, one of the most fruitful areas of sociological research, and one of the recurring joys of studying people, in their communities, in their daily lives.

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I have eagerly anticipated the opportunity to thank in writing all those to whom I have become deeply indebted over the course of this project. Funders, interviewees, faculty, librarians, friends, and family may all be the usual suspects as far as dissertation acknowledgments go, but I have never taken their participation for granted.

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One of my interviewees calls a zebra “a racehorse designed by a committee.” This zebra does not have any illusions of being a racehorse, but it escaped quagga-hood because of the patience, insight, and support of my dissertation committee. Martha Lampland offered a warm seat by her fireplace, an indomitably upbeat sense of humor, and innumerable dinners and late-night phone calls to discuss the dissertation. Martha is generous in all things, especially the role model she has set as a global intellectual and extraordinary advisor. John Skrentny pushed me in all areas of professional and sociological development and schooled

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Many other members of the Sociology Department helped me and this project along the way, among them Jeff Haydu, Paul Frymer, Amy Binder, John Evans, Akos Rona-Tas, Rick Biernacki, Maria Charles, Dick Madsen, Christena Turner, Andy Lakoff, Isaac Martin, Kwai Ng, Mary Blair-Loy, Carlos Waisman, Andy Scull, and Leon Zamosc, whose energy and enthusiasm convinced me that UCSD was the right place for me. I have never doubted this in the last long, but wonderful six years. The Culture and Society Workshop in the department provided a venue for many discussions on this project, and I am grateful to all the faculty and student members. Rafael Acevedo and Nora Bodrian both provided help and support for a project that would not have been nearly as much fun to complete without their

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Unfortunately, my interviewees cannot be thanked by name, but this project would never have happened without their candid reflections on the challenges and opportunities of civic participation. Not only did they offer their time and invaluable perspectives, but they also shared dinners, lunches, coffees, copier use, party invitations, and late-night water testing sessions with me. Perhaps they should not have trusted a sociologist to handle reagents and water baths, but I hope I have honored their efforts here.

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- 2004 Jeff Haydu and Caroline Lee. “Model Employers and Good Government in the Late 19th and Late 20th Centuries.” *Sociological Forum* 19(2): 177-202.

ABSTRACT OF THE DISSERTATION

What Difference Does Local Participation Make?

Contexts of Engagement in Regional Conservation Planning

by

Caroline Worthen Lee

Doctor of Philosophy in Sociology

University of California, San Diego, 2006

Professor Martha Lampland, Chair

This study contests the universalism of public engagement models by comparing reports of participation in three state-centered processes for regional conservation planning. Each case study analyzes intensive interviews with community members engaged in conservation in coastal U.S. cities facing rapid growth: San Diego, California; Charleston, South Carolina; and Portsmouth, New Hampshire. While all three processes included a similar assortment of stakeholders, the San Diego regime pursued a model resembling empowered participatory governance, the Portsmouth regime emphasized more privatized

participation building on existing institutions, and the Charleston regime resembled an exclusive machine-style growth coalition. Researchers have foregrounded the importance of formal inclusion and transparency for equitable, reasoned decision-making, but I find that interviewees did not associate transparency and inclusion with process legitimacy or civic-minded discussion. Formal public participation was often seen as superficial pageantry precisely because it created a forum for those seeking attention for ends external to process goals. In each case, participants knew that partnership was rewarded at higher levels of government, but were skeptical of participation and collaboration for its own sake. Both elites and non-elites in these communities deployed informal, backstage communication to amplify and to defuse pressure for consensus, and to manage the social capital benefits that accrued to participants. Surprisingly, the process in San Diego, which was intended to empower locals, ended up dominated by interest group professionals, while the processes managed by national interest groups solicited lay participation from diverse and reluctant sources, although how partners treated this input differed. These findings demonstrate that the study of democratic engagement can gain by exploring the contextual implementation of abstract deliberative ideals such as inclusion, publicity, and transparency. Sociologically, it is the standards of the place that matter, not researchers' assessments of what constitutes democratic success.

CHAPTER ONE

DESIGNING PARTICIPATION IN CONSERVATION PLANNING

San Diego's history is littered with the skulls of bureaucratic brain-picking sessions that invited people from the neighborhoods to contribute, then discarded their ideas. Richard Louv, *San Diego Union-Tribune* columnist (2005)

Introduction

Do public participation projects improve decision-making in local communities?

Researchers of deliberative democracy and civic engagement might find this question ridiculous. Including stakeholders in planning and increasing their access to local officials is generally understood to represent a significant improvement over less transparent, elite-dominated politics—and at the very least, a salutary exercise, whatever the current state of local political affairs. Indeed, participatory planning processes have become both big business and best practice, with a wide range of competing models intended to include as many community members as possible, to build consensus through thoughtful discussion, and to generate public trust in local governance (Carpini, Cook and Jacobs 2004).¹ Given the expensive and time-consuming nature of these processes for participants and communities, however, the general assumption of positive benefits to be gained from proliferating participation processes deserves further consideration—especially in light of the public cynicism and fatigue suggested by Louv above. This study questions whether formal public participation processes, however oriented towards local interests, are indeed a one-size-fits-all solution for improving communication and deliberation in communities.

¹ These models can range from deliberative polling to collaborative planning to citizen juries, working groups, or advisory committees, and are proffered by a range of actors, from foundations to private for-profit consultants. A useful index of demand for participation training is the increase in training revenue of the International Association for Public Participation (IAP2), which reported 104% growth from 2003 to 2004 (Twyford 2004, 2).

Whereas most studies of participatory process implementation have focused on describing the relationship between increased inclusion of diverse viewpoints and more widespread community satisfaction with process outcomes, this dissertation compares a formally inclusive conservation planning process to two conservation planning processes that avoided large-scale community participation efforts but emphasized more informal strategies of gaining community input and building local support for plan initiatives. Through interviews with decision-makers, process leaders, and stakeholders in each community, and analysis of organizational records, planning documents, and press coverage, I investigate how abstract process ideals of inclusion, transparency, and consensus-building were implemented and interpreted by a variety of actors on the ground in each site. The diverse stories told about participation processes reveal substantial disagreement on the importance of formal mechanisms for encouraging deeper citizen engagement—a surprising outcome, since many theorists agree that democratic principles of inclusivity and open dialogue are unassailable. Most importantly, I find that stakeholders’ judgments about the relative weight and authenticity of democratic ideals varied depending on how interviewees assessed the relationship of formal participation to the informal contexts of their social, professional, and political lives.

By highlighting how interviewees related participatory decision-making process to stakeholder satisfaction and consensus-building, I bring highly contingent local deliberative cultures to the fore in discussions of American civic life more typically concerned with how power is distributed in organizations and institutions. My goals are twofold: to challenge the idea that institutionalized participation is an exclusive means to empowerment, and to explain why increasing formalization of participation may not improve the quality of deliberative discussion in local communities. The dissertation contributes to theoretical debates on how to enhance civic engagement by foregrounding the continued relevance of informal

communication and participation strategies and their intersection with formal planning, a process I describe as “informalization.”

I argue that understanding the local contexts of deliberation in the United States is just as important as the sensitivity to these issues promoted in conservation planning in the developing world. For deliberative theory, these stories highlight the folly of ahistoricism in contemporary treatments of deliberation as a “perpetual” phenomenon. Finally, I suggest why researchers have so consistently avoided considering how informal processes relate to formal approaches, a self-described “utopian” preference for ideals of deliberation that I liken to romantic pastoral—all too likely to litter local decision-making landscapes with more ill-fated, hollow participatory initiatives. The claim that participation and deliberation are universal democratic goods, and ends in themselves, must be contextualized as growing out of its own historical moment—riven by the current anxiety over declining civic engagement and superficial political discourse.

Robust or Fragile?: Participation and Deliberation in Social Science Discourse

Participation in environmental planning has garnered favor in the last decade as a formal model and best practice, but concern with the quality of democratic discourse and citizen involvement has preoccupied theorists, social researchers, and practitioners over the last two centuries. John Gastil and William Keith (2005) describe the current enthusiasm for citizen participation in deliberation as an American deliberative renaissance, evocative of the peak of enthusiasm for substantive dialogue that contributed to the open forum movement and Federal Forum Project in the early twentieth century. Gastil and Keith assert that historical trends in interest in participation and deliberation can be overcome: “The cycle of demise and rebirth need not be repeated, and it is possible at this moment in history to intervene in meaningful ways to sustain the momentum toward deliberative democracy. By promoting the

most positive trends and monitoring and countering the negative ones, deliberative democratic practices may be sustained and continually developed well into our future” (2005, 18).

Contemporary deliberative theorists have certainly contributed to accentuating the “positive” elements of participation by studying cases where innovative civic processes met with local acclaim.² Indeed, the very correctness of formal practices explains their utility for governance, according to Stinchcombe in his analysis of formality in organizations (2001, 4).

Civic engagement literature, however, points to reasons why it might be instructive to consider the comparative quality of democratic participation in varying contexts, and to study how institutions and administrations contribute to the momentum and staying power of participatory reforms. Civic engagement proponents in the vein of Tocqueville have rooted democratic political participation in formal institutions, organizations, and associations (Putnam 2000; Skocpol 2003), but others have emphasized more informal contexts and looser social networks as the genesis of sustained political participation (Fishman 2004; Polletta 2002; Wuthnow 1998). Other theorists have emphasized the difficulty of linking these domains productively given the challenges of sustaining political engagement even in relatively homogeneous, intimate social groups with the capacity to volunteer time in their communities (Eliasoph 1998; Lichtermann 2005).

But many of these considerations of the contrasting effects of informal and formal participatory structures have construed civic engagement so broadly that comparing the quantity, let alone the quality, of democratic participation is exceedingly difficult. Do internet-based forums count the same as public meetings? Do they engage the same people? Are they self-sustaining or episodic? Do they substitute for more active forms of political engagement? Does a county council meeting involve more substantive political dialogue or

² Cohen and Rogers point out that this search for “illuminating illustrations of EPG” (empowered participatory governance) amounts to sampling on a dependent variable (2003, 243).

public-spiritedness than a school board meeting? These are valid questions for those investigating the participatory vigor of a particular community (Sampson et al. 2005), but they do not lead to a richer understanding of how informal and formal participatory structures relate to each other in broader sociological perspective. This project considers the relationship of formal and informal types of engagement along a clearly defined spectrum of incorporation of informal practices in formal processes. Each process is a state-centered, policy-relevant planning effort aimed at resolving a particular local land use problem: which lands within a given area should be conserved from further development. By holding constant the type of planning approach and the type of deliberative problem, we can more accurately gauge the range of participatory alternatives that individual communities might propose, and the varying levels of stakeholder reception such strategies engender. Environmental decision-making is an ideal policy area for comparing formal deliberative engagement methods because participatory processes are far more institutionalized in local, state, and federal environmental policy-making than in other policy areas like health care or education (Ozawa 2002).

In order to gain additional leverage on these questions, I compare the Multiple Species Conservation Program Working Group in San Diego, California, widely recognized and studied as an exemplar of comprehensive formal participation, to two lesser-known and less-heralded cases of state-centered conservation planning processes that use informal, limited participatory strategies in their processes to lesser or greater degrees. Seacoast New Hampshire's Great Bay Resource Protection Partnership attempts to combine formal participatory approaches with more informal strategies of community outreach and networking, whereas the South Carolina Lowcountry's ACE (Ashepoo, Combahee, and South Edisto Rivers) Basin Task Force uses informal, targeted strategies wherever possible to gain the support of reluctant community members seen as critical to project goals. When they have considered informal strategies at all, theorists typically have understood informal strategies as

subversive or destabilizing forces for formal processes. I make no qualitative assumptions about this relationship and instead focus on inside and outside observers' own assessments.

Comparing stakeholder perceptions of transparency, inclusion, and consensus-building in cases arrayed along a spectrum of informalization within state-centered processes affords a much better understanding of the contextual implementation of formal participatory processes. The MSCP Working Group emphasized formal inclusion, transparent deliberations, and group consensus on policy provisions, while the Partnership and the Task Force emphasized more exclusive forums for deliberation, private solicitation of stakeholder input, and community mobilization. Informal communication was largely understood as a backstage subversion of the former process, but the lack of transparency in the latter processes was understood as a prerogative of elite actors and conservation interest groups. Informalization did produce more exclusion of interested parties and less transparent decision-making in the Great Bay and the ACE Basin. Nevertheless, while more exclusive, less transparent processes might be presumed to produce more distrust and disillusionment, I find the opposite result in the cases studied. Investigating the contexts of this reception—explaining why informalization produced stakeholder support—is the goal of this dissertation.

Overview of the Project

Working Groups, Task Forces, and Partnerships: Typologies of Regional Decision-Making Regimes

Each of the cases studied represents a group that brought together public and private entities over the last two decades in order to deliberate on land conservation priorities within a particular region. Because of the power and resources channeled through these groups, and their independence as regional entities, I call each of these groups a regional decision-making “regime,” using Stone’s concept of a regime as a stable institutional governance arrangement

involving cross-cutting ties of officials to those outside government (1989). Because the ACE Basin Task Force acts to promote conservation through informal relationships with actors usually assumed to support growth coalitions, I call the ACE Basin Task Force's activities "machine-style." Using the language of regimes, coalitions, and machines does not mean that I accept or endorse the deterministic moral politics (Judd 2005; Stone 2005) of many urban regime and growth machine theorists, in particular the claim that elite interests are predetermined (Domhoff 2006; Molotch 1999). In fact, I specifically challenge growth machine theory in Charleston's conservation machine case, and find that, while theories about regime operation in respect to land use and regional competition are useful for describing conservation machine activity, assumptions about the ends such activity serves are not. Chapters Three, Four, and Five tell the stories of the regimes' founding, membership, organization, and missions in much greater detail, but the following section provides a brief introduction to how their participatory design contributed to the rationale for their selection. The chief factors considered are differences in governance and inclusion in each case (See Table 1.1).

Table 1.1: Governance and Inclusion in Regional Decision-Making Regimes

Regional decision-making regime	Empowered Participatory Governance: Multiple Species Conservation Program, San Diego	Privatized Participation: Great Bay Resource Protection Partnership, Portsmouth	Conservation Machine: ACE Basin Task Force, Charleston
Duration	1989-present (Working Group: 1991-1997)	1994-present	1988-present
Governance	Public, devolved, dominated by new regional developers' and environmental lobby groups	Public-private, dominated by long-term national and state level conservation groups	Public-private, dominated by long-term national and state level conservation groups
Leadership	Chair: mayor's deputy, Vice-Chair: developers' lobby group representative	Coordinator: independent (unaffiliated private) planner	Chair: private landowner
Inclusion of interested parties	Working Group (invited), municipal and scientific advisory boards, public workshops and hearings	Principal Partners (invited), open group of Community Partners, town planning forums	Task Force (invited)
Inclusion of uninterested parties	Far right and far left opt out and oppose process	Retired public officials and long-term locals targeted, resistant landowners (far right) avoided	Real estate brokers and resistant landowners (far right) targeted

As Table 1.1 illustrates, approaches to governance and inclusion can vary dramatically in regional decision-making regimes, and the labels under which they operate (working group, partnership, or task force, in these cases) does not reveal much at face value about their differences in styles of participation and deliberation. For this reason, I describe each of the

cases under labels that highlight their approach to participation and deliberation. I call San Diego's Multiple Species Conservation Program Working Group (and its Subcommittees and Affiliates) "Empowered Participatory Governance" because of a general consensus that it represents the principles of this style of governance (Fung and Wright 2003; Karkkainen 2003; Thomas 2001).³ Decision-making over development and conservation plans affecting endangered species in the selected region have been devolved to local stakeholders who are members of a formally recognized Working Group with binding decision-making authority. Local stakeholders from the environment and development communities were invited to participate in a public deliberative process geared towards capacity-building among local interests and empowerment through locally-brokered consensus and compromise. The group was chaired by a deputy from the City of San Diego's Mayor's office, with a representative from the developers' group that had lobbied for the MSCP serving as vice-chair. The decision-making process was overseen by public planners from the county and the city and a private environmental services contractor serving as a "consultant team." Because the MSCP plan provides exemptions from Endangered Species Act and California Endangered Species Act regulations, state and federal government wildlife agencies have final oversight over the decisions.

I call Portsmouth's Great Bay Resource Protection Partnership (GBRPP) a case of "Privatized Participation," because the Partnership engaged the public in repeated town-based planning forums and includes an ongoing public membership group for local officials and interest groups designated Community Partners. Authority resides with nine Principal Partners, a consensus-based group limited to decision-makers from federal and state wildlife

³ There is some disagreement among empowered participatory governance and empowered deliberation theorists over whether HCPs as a class truly fulfill the EPG model since everyday citizens are generally not interested in direct participation (see Thomas 2001 for an analysis of HCP limitations). Nevertheless, the San Diego MSCP is generally agreed to represent the sort of HCP that most resembles a collaborative process involving multiple stakeholders (Karkkainen 2003, 212).

agencies and state and national conservation interest groups. Meetings of Community Partners and Principal Partners are coordinated by a private-sector environmental planning consultant who serves in a mediating role among the Principal Partners and between Principal Partners and Community Partners. GBRPP membership was limited to conservation-oriented groups. Participation campaigns run by the private planner avoided developers and far-right landowners, but actively pursued long-term locals and retired public officials unlikely to come to the town planning forums.

Finally, I call Charleston's ACE Basin Task Force a "Conservation Machine," because its informal networking strategies, limitation to an elite group of decision-makers, and leadership by private landowners closely resembles regional growth machine regimes—despite its contrasting orientation to increasing conservation instead of development. The Task Force is led by a local landowner and includes local landowners in its meetings. Task Force members work with local and regional conservation groups, but official organizational participation is limited to a large paper corporation, state and federal resource agencies, and national conservation interest groups, with two exceptions. An in-state coastal land trust and a private conservation foundation have been added to the group over the course of its tenure. The local newspaper and an in-state conservation advocacy group, though not official members, provide critical forms of support and endorsement of regime activities. Unlike the GBRPP, the Task Force has not included local officials, but actively encourages public participation through informal networking, and has quietly pursued far right landowners and leading figures in the real estate brokerage community for their cooperation behind the scenes. (See Appendix One for a comparison of official stakeholders and participation categories in each regime.)

Not surprisingly, the inclusion of interested parties in each of these cases is closely correlated with the level of formality of their governance structure and its orientation to public

entities. As someone with knowledge of urban political history might deduce, more informal, privately-run processes can be, and are, more exclusive of potential participants, such as developers who oppose conservation goals or local groups with limited capacity and resources. Also notable is the extent to which public processes allow others to opt out or avoid participation in the group, whereas in the invited public-private groups, those resistant to the regime might be approached by regime members and solicited for their involvement, regardless of their preferences. While formality (public/official/structured orientation) of governance and inclusion are clearly related, the dependent variable in this analysis is not inclusion. Most studies of participation have, in fact, focused on inclusion as an end result. I am more interested, however, in how engaged and unengaged stakeholders link formal participation to their own perceptions of inclusion, transparency, and consensus-building.

Measuring Variance and Outcomes

For this reason, the choice of cases has been determined by their positions along a spectrum of state-centered decision-making practices based on the level of formality and implementation power of the decision-making body, from state-sanctioned bodies developing comprehensive agreements on policy provisions to informal, self-selecting bodies of private organizations and public agencies encouraging voluntary approaches. The following diagram describes where each site falls on this spectrum (Figure 1.1):

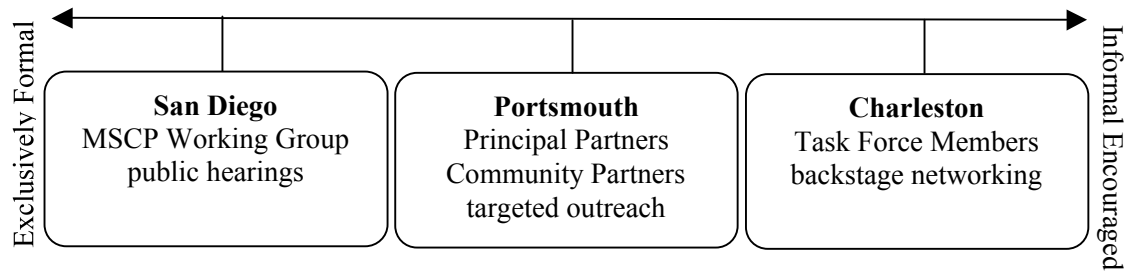


Figure 1.1: Allowance for Informal Engagement Practices (Informalization)

The independent variable is the extent of incorporation of informal practices into formal processes, since all of these participation processes are state-centered and policy-relevant inasmuch as they seek official recognition for the quality of their participation from the federal government. In oversimplified terms, the cases vary ordinally as demonstrated in Figure 1.1: San Diego has accepted the least amount of informalization, Charleston the most, and Portsmouth lies in the middle.⁴

The outcomes I am interested in across all three cases are indicators of stakeholder reception: assessments of the implementation of the processes under study and why these did or did not accord with stakeholders' ideals. These assessments are, by necessity, subjective, complex, and hard to aggregate in meaningful ways. Because assessments vary among different types of stakeholders and within stakeholding groups, researcher generalizations about overall stakeholder reception typically reduce these assessments to relatively crude measures of "satisfaction" within the process based on survey results, quantity of project

⁴ It is important to recognize that the Charleston case, despite its extensive use of informal practices, is not wholly informal. The in-state land trust, one of the Task Force members, describes the ACE and other coastal area Task Forces as "semi-formal associations between landowners, conservation organizations and governmental agencies" (Downstate Conservancy website 2006). Stinchcombe argues similarly that formalization varies in degrees and represents a process where formality is the direction of change (2001, 3), not an achievable endpoint.

endorsements, or absence of litigation (Anderson and Yaffee 1998; Beierle and Cayford 2003; Coglianesi 2003). For a qualitative project like this one, I am ultimately more interested in exploring common reasons why stakeholders claim they were satisfied than with whether or not twenty-five out of thirty respondents thought the process was fair—if those five who did not endorse the process ended up suing, the process may have ground to a halt regardless of substantial community support. Similarly, if many stakeholders did not join or left the process, it is critical for this project to understand why and how they made these choices.

In order to attempt to aggregate stakeholder assessments without doing too much violence to the nuances of their positions, I have broken down reception according to three basic aspects of empowered deliberative democratic process considered essential by Fung and Wright: participation, equity, and effective decision-making (2003, 25-27). First, I evaluate perceptions of inclusion (as represented by assessments of participatory process and inclusion and exclusion of groups); next, I evaluate perceptions of transparency and good governance (assessments of decision-making as open-ended and equitable); and third, I evaluate perceptions of consensus-building (assessments of the extent to which conservation plans reflect authentic preference change and durable, cooperative agreement).⁵ All three of these outcomes reflect key aspirations of deliberative democratic process as a “politics of fairness and reason” (Fung 2003). Natural resource management researchers describe these stakeholder perceptions more mundanely as components of “procedural legitimacy” or process fairness (Gericke and Sullivan 1994; Hunt and Haider 2001; Landre and Knuth 1993; Lauber

⁵ I have used perceptions of the authenticity and durability of consensus as a proxy for effective decision-making because efficacy is based on willingness to put cooperative decisions into action; in cases of ineffective decision-making, agreement may be reached in order to move the decision process forward, without sufficient support from the parties to be put into action or endorsed once implemented. I evaluate maintenance of consensus on plan decisions separately from perceptions of “second” and “third” order social capital effects on community conservation activities external to plan agreement (Innes and Booher 1999).

and Knuth 1999; Lawrence, Daniels and Stankey 1997; Mascarenhas and Scarce 2004; Smith and McDonough 2001).

Finally, I compare stakeholder assessments of these basic elements to their assessments of the collective social capital built through the decision-making process, as exemplified by their perspectives on new networks, initiatives, resources, and discourses that grew from the Working Group's, Partnership's, and Task Force's cooperative efforts. Here, I use the term social capital to describe the properties of social networks that make collaborative action on conservation possible, such that "networks of civic engagement," like the Working Group, Partnership, or Task Force, can "facilitate coordination and communication" in larger contexts than relations within the group (Sirianni and Friedland 2001, 13-14). My division of the analysis between perceptions of inclusion, transparency, and consensus-building that occurred in the process (social capital related to trust, reciprocity, and shared understanding *within* the group), versus perceptions of the elements of social capital that Innes and Booher (1999) describe as "second order effects" and "third order effects" (social capital related to new networks, initiatives, resources, and discourses emerging *from* the group) can be likened to Putnam's distinction between "bonding" versus "bridging" social capital (2002, 22). Putnam points out that these are worth distinguishing from each other for their relative emphasis on reinforcing internal or external ties, but notes that they represent a spectrum of activity. In organizing my analysis of stakeholder assessments, I have broken each case study chapter into two sections that analyze perceptions of these internally-oriented and externally-oriented social process outcomes separately. For the sake of clarity, I use the term "consensus-building" to refer to the former, and reserve the term "social capital" for the latter.

I analyze how the democratic ideals of inclusion, transparency, consensus-building, and civic engagement to which these assessments are tied have come about in greater detail in Chapter Two—but it is critical to note here that the perceived outcomes I am studying are *not*

an indicator of overall project “success,” either as defined by the researcher or the informants.⁶ Success is discussed and measured by informants in a variety of ways, from acreage conserved to federal funding received to lack of controversy or contention, and I will certainly discuss these assessments in terms of their relationship (or non-relationship) to stakeholder perceptions of inclusion, transparency, and consensus-building. However, this study is much more limited in scope; it tests the ideals of participatory institutions against theorists’ own assumptions about the immediate and long-term social benefits achieved through formality. If these goals are frustrated in actual practice, it is certainly appropriate to reevaluate researchers’ belief in increased community-building and collaboration as an inevitable product of participatory best practices.

Comparing the Cases

In order to compare participatory processes and their social outcomes in terms of their incorporation of informal strategies, cases must be selected which are similar in terms of a common decision-making problem, participants, and external issues. Despite the use of a limited palette of participation mechanisms in land use planning efforts (IAP2 2005), comparing apples and oranges does not lead to a better understanding of how or why individual participation processes gain the stakeholder reception that they do. Negotiations with city officials for more parkland in an urban low income community and those between National Park Service officials and residents of an abutting rural community and reservation involve differing levels of government, media and discussion outlets, applicable policies, and histories of inequity in regards to class, race, and ethnicity, as well as differing ecological concerns and use parameters. Whether or not to build a high rise on the site of a community

⁶ Coglianesse points out that the elision of satisfaction with success has a number of problems, despite researchers’ frequent assertion that decisions in which interests are satisfied are higher-quality by definition (2003, 73).

garden and how to balance farm irrigation with the water-level needs of a particular endangered fish are very different questions. While much of the participation literature claims that standard participation mechanisms can be made locally relevant in any particular case, this research starts from the principle that even in structurally similar cases, stakeholders facing similar challenges may find very different reasons to support or reject formal participation as a problem-solving process. This section describes the basic similarities that ground the case comparison.

Common Deliberative Problem: Comprehensive Planning for Conservation Acquisitions

As stated earlier, all three regimes are engaged in comprehensive conservation planning in U.S. coastal areas facing rapid growth. All three sites are located on highly valued and ecologically rich coastal watersheds and are faced with similar issues dogging rapidly growing coastal areas dependent on the tourism industry and residential development. Each decision-making regime focuses on a comprehensive planning approach to conservation—the state of the art in conservation planning, in that each has identified a multi-jurisdiction target region with the goal of conserving habitat sufficient to sustain populations of valued species that cross political boundaries. The ACE Basin Task Force and the Great Bay Resource Protection Partnership identified their planning areas on the basis of large watersheds critical for migratory birds, under the assumption that common sustaining water sources are the best way to manage interconnecting linkages between natural communities, migratory populations, and ecosystems. Despite its name, San Diego’s Multiple Species Conservation Program focused on a threatened bird species in order to identify priority areas; the larger planning region was identified through municipal water use. In the face of seemingly unstoppable growth and piecemeal conservation and mitigation efforts, the regimes attempt to agree on overarching conservation priorities within the region on the basis of remaining undeveloped

land and biological habitat data. Practically, this means overlaying maps of potential developable real estate on maps of existing habitat and potential corridors between larger habitat areas. Once stakeholders agree on biologically significant “hot spots” facing development pressure, they can then negotiate the land management options for these sites in the context of their knowledge of existing and planned conservation activities.

Although all three face a common deliberative problem of setting habitat conservation priorities in estuarine landscapes also targeted as priorities by developers, the official status of the MSCP process means that decisions about “hard-line” reserves permanently restrict future development with the consent of property owners and willing sellers,⁷ while the Partnership and the Task Force attempt to persuade existing landowners to conserve at least some part of priority properties through sale or conservation easement donation to a public entity, a land trust, or a nonprofit conservation organization. (See the glossary for definitions of specialized conservation terms like easement and takings.) While this distinction might make it seem as though the Working Group has more to negotiate since they are making permanent decisions about where future development may and may not occur, it is useful to think of the conservation attempted by the Partnership and the Task Force as an alternative form of land development. Regime activities involve producing baseline data for potential properties, organizing real estate financing for the purchase, bringing together buyers and sellers, and ensuring the endowment of proper conservation management once acquired—which in some cases involves substantial changes to the existing physical landscape.⁸

⁷ MSCP decision-making also involved setting standards for mitigation such that development that did occur would be mitigated with conservation of land of the same habitat quality and type. The MSCP also created “soft-line” reserves in order to avoid takings from private property owners.

⁸ Because the Partnership and Task Force are strictly in a strategy and coordination role, all of these separate activities are undertaken independently by interest groups or agencies that are regime members, and even by organizations that are not official members—leading to potential competition among stakeholders for prime properties.

In comparison, the MSCP sets aside targets for conservation acreage within subarea plans, and city and county planners are allowed to issue incidental take permits (permission to develop without regard to habitat destruction) if developments accord with the priorities of the MSCP plan. Meanwhile, county, state, and federal wildlife officials acquire priority conservation areas from willing sellers in “rough-step” with acreage lost to development (City of San Diego 2006). The Task Force and Partnership processes are predominantly oriented towards conserving as much acreage as possible by mobilizing private citizens and lobbying for state and federal support for their own wetland conservation projects, while the MSCP is predominantly oriented to achieving agreement on a target percentage of conservation acreage for remaining undeveloped land within the region, and then transferring the resulting plans to county and city agencies for implementation with financing from local, state, and federal sources.

Settings

The regional settings identified by each regime have substantive similarities in terms of conservation interventions that make the comparison of participatory differences more striking. First, each site has both National Wildlife Refuges (NWRs) and National Estuarine Research Reserves (NERRs). These refuges and reserves represent baseline habitat conservation acreage that anchors the more comprehensive private and public land protection efforts undertaken by the regimes (see Table 1.2 for baseline acreage, and Appendix Two for maps). These federal investments indicate the maturity of conservation efforts in each site, in addition to the success each area has had as compared to its immediate neighbors in winning federal funding for local projects. In addition, the importance of the sites for migratory birds connects them to funding resources for internationally-significant wetlands. As significant sites of substantial public conservation investment, all three regional regimes receive regular

attention (and scrutiny) from national-level officials and interest groups. Their recreational opportunities and public access also make them well-known tourist destinations for birders, hunters, kayakers, and other recreational users.

Table 1.2: Baseline (Non-Grant) Federal Conservation Efforts in San Diego, Portsmouth, and Charleston

Study Area	San Diego	Portsmouth	Charleston
National Estuarine Research Reserves	Tijuana River Reserve (1982)	Great Bay Reserve (1989)	ACE Basin Reserve (1992)
Reserve Acreage	2,500	5,280	134,710
National Wildlife Refuges	San Diego Refuge Complex (1970s-1990s)	Great Bay Refuge (1992)	ACE Basin Refuge (1990)
Refuge Acreage	57,307	1,054	11,815
Total Refuge and Reserve Acreage	59,807	6,334	146,525

The complex of interconnecting preserves and research units in each site provide a mix of research, education, and recreation opportunities, with varying policy mandates for engaging local constituencies. NERRs are run by the National Oceanic and Atmospheric Administration (NOAA) and oriented towards stewardship, monitoring, research on restoration and invasive species, and education. Marine biologists and ecologists from local universities typically conduct research at the reserves. The Reserve system’s education mandate specifically targets “coastal decision makers,” with the goals of providing sufficient “education and training for professionals that make decisions about coastal resources on a regular basis such as planners, conservation council members, resource managers and

community leaders” (NOAA 2004). The more comprehensive National Wildlife Refuge system of 544 refuges (“no more than an hour’s drive from your home”) is targeted towards the recreational needs of a larger audience and covers 96 million acres of varying habitat value and quality (Hartwig 2004).⁹ Hunting is allowed in more than half of U.S. refuges. The National Wildlife Refuge and National Estuarine Research Reserve systems serve to link the regimes’ regional conservation efforts to the resources and information-sharing enabled by a national network of conservation professionals. Reserve managers and public outreach coordinators may serve as stakeholders in regional decision-making regimes, but they also convene with their counterparts around the country at national meetings to share information on best practices and federal policy. Additionally, high-level public officials, including top executives from the U.S. Fish and Wildlife Service and the Department of the Interior, have visited all three sites to promote public-private collaborations.

All three sites also share the distinction of being critical stopping points on the Atlantic or Pacific flyways of migratory birds, which ties them into a larger scale of national and international resource management institutions. The importance of migratory birds to each of these sites, and the federal funding they receive as a result of this relevance to larger international species flows, is critical to comparing the implementation of participation in each site.¹⁰ Despite the fact that they are seemingly far flung, they are actually in national

⁹ Both the Great Bay National Wildlife Refuge and San Diego’s 44,000 acre inland refuge were the beneficiaries of acquisition of relatively marginal land (as compared to the NERRs) at bargain prices. The Great Bay refuge includes former weapons ranges on the decommissioned Pease Air Force base, and the inland San Diego refuge is on land surrendered by a bankrupt real estate development project.

¹⁰ Interestingly, studies of community decision-making on natural resources have focused on forest and fisheries management rather than wetland management-- and the ensuing conflicts between extractive industries, their employees, and forest or fishery users in the local community (Gibson, McKean and Ostrom 2000; McEvoy 1986; Peluso 1992; Sivaramakrishnan 1999). The conflicts in coastal areas with migratory waterfowl populations are strongly affected by the fact that waterfowl hunting, also an extractive land use, is a billion-dollar recreational industry and depends on controlled management of wetland areas. While timber companies are engaged in South Carolina, and a forest conservation NGO is engaged in New Hampshire, forest management practices (annual controlled burns, etc.) are typically not under debate in these areas. The perceived threat from timber corporations in these sites is their sale

competition for federal wetland conservation resources, for which a major criteria is the partnering ability and breadth of the grantseekers' application, as well as their prior success in negotiation and implementation. The major national and international funding regimes for watershed-scale conservation tend to favor a beads-on-a-necklace approach to protecting the flyways—with watershed-based focus areas of intensive conservation activity and resource investment spread along the coasts such that the birds have consistent habitats of sufficient quality to survive, and can fly past coastal areas that have been intensively developed. Because the regimes depend on resources and infrastructure investments distributed at the federal level, they are likely to exhibit the normative isomorphism that characterizes grantseekers (Powell and DiMaggio 1991). Because the regimes include as participants nationally-networked conservation professionals and officials, it is also reasonable to assume that these regimes may exhibit mimetic isomorphism in their approach to participatory institutions (Mizruchi and Fein 1999). Through standard grant applications that require demonstrations of stakeholder participation, and through participants who regularly attend meetings oriented towards disseminating participatory best practices, regimes are likely to exhibit similar commitments to formal, demonstrable mechanisms for stakeholder involvement.

State-Centered Stakeholder Efforts

Each regime is defined as state-centered—state in this case referring to government in general, rather than state-level government. Regime activities are primarily oriented towards

of forestland to real estate developers, or their conversion to the real estate development business, such that conflict in these sites typically involves real estate developers versus the national waterfowl and wetland conservation community, for whom timbering is seen as a positive and ecologically responsible sustainable land use. Where waterfowl hunting is limited by urbanization, as in Southern California, smaller-capacity recreation, wildlife, and native plant advocacy groups with different investments in dry land management play a much larger role.

encouraging intergovernmental cooperation and channeling federal, state, and county resources to regional conservation priorities. Inter-agency partnering arrangements are key to each regime. In order to generate and funnel public resources for conservation, each regime depends on favorable relationships with lawmakers and representatives, and affiliated interest and advocacy groups undertake cooperative lobbying on behalf of the regimes. Whereas the Working Group experiences direct federal and state oversight as a result of its use as an alternative to Endangered Species Act (ESA) and California Endangered Species Act (CESA) enforcement, the Task Force and Partnership are equally state-oriented inasmuch as they are accountable to the U.S. Fish and Wildlife Service (USFWS) for the public conservation dollars they receive.¹¹ From 1991-2005, the ACE Basin conserved 31,000 acres of wetlands with \$8 million dollars of North American Wetlands Conservation Act (NAWCA) funding administered by USFWS; this was matched by \$16 million from partners (Watson 2005). From 1994-2005, the GBRPP received \$12 million in NAWCA grant and matching funds for conservation of 7,500 acres (Milliken 2005).¹² From 1999-2004, public and foundation grant funding for acquisition, management, and monitoring of MSCP lands in the County totaled \$21.1 million (1999-2004 MSCP Annual Report data). Federal agencies had acquired 6,800 acres, state agencies had acquired 14,300 acres, and the county had acquired 4,100 acres for conservation under the MSCP by 2004 (County of San Diego 2004).

The accountability required by this funding involves a commitment to the involvement of stakeholders of varying kinds. The involvement of stakeholders in all of these projects tends to favor non-governmental organizations (NGOs), private entities, and citizen

¹¹ Private matching dollars used under NAWCA require the same accountability standards as federal dollars (<http://www.fws.gov/birdhabitat/NAWCA/USstandgrants.html>, 2006), and are subject to audit, monitoring, and programmatic evaluation. Such evaluation includes assessment of the extent to which projects include public input, landowner consent, and substantive organizational cooperation (USFWS 2006).

¹² The GBRPP and ACE Task Force received smaller amounts of funding from other federal grant programs that also provided funding to MSCP projects, most notably the federal Land and Water Conservation Fund.

involvement mediated through these organizations over direct participation of individual citizens.¹³ Broadly defined, stakeholders include any community member, organization, or corporation potentially affected by regime activities, from private citizens, to environmental interest groups, to business associations, foundations, and corporations. Concrete interests or “stakes” such as land use, ownership, investment, or management within the region or adjacent to it typically produce much greater interest in involvement, although resident and even non-resident groups may participate as stakeholders more on the basis of ideological commitments (fiscal responsibility, libertarianism, or opposition to development in general, for example) than on the basis of interest in the particulars under negotiation. Stakeholders can be elites or insurgents, powerful consortiums or everyday citizens—as such, some stakeholders may view their engagement in terms of social movement activism, while some may see their engagement as part of the normal course of business. Stakeholders are not simply all those who end up participating, however. Some stakeholders may opt not to participate. Usually, participants who are national level decision-makers, public employees, planners, consultants, and scientists are not identified as stakeholders, except in cases where they represent, for example, a regionally-based entity like a federal reserve or refuge (a refuge manager), or scientists engaged through a biodiversity advocacy organization.

Involving stakeholders in each of these cases meant inviting them to an ongoing series of discussions entailing substantive deliberation over project goals and recurring consideration of relevant issues. These might take place in a hearing room with a dais in a public building, as in the MSCP Working Group, or in the party room of a local pizza joint, as in the Great Bay Partnership, or in the dining room of a restored plantation house, as in the ACE Task Force.

¹³ This aspect of the MSCP makes comparing its implementation of participation to the more informal regimes more nearly parallel since, unlike other forms of empowered participatory governance, it generally engages typical industry and advocacy stakeholders relatively exclusively (Karkkainen 2003, 222).

Bottled water and coffee are sipped in San Diego, whereas diet soda caffeinates the dialogue in New Hampshire, and gallons of tooth-aching sweet tea quench participants' thirst in steamy South Carolina. Such stakeholder processes are not public hearings, where the public has a limited opportunity to comment to decision-makers on proposed plans, or consultations between public officials and an individual stakeholder like a corporate real estate developer. In each of these cases, despite the variety of venues and lubricants, potentially adversarial or competitive stakeholders met face to face on a repeated basis in the company of assorted public officials. The repeated basis may have ranged from two to three hour meetings during the working day once a month, with time for public comments at the end, as in California, to a half-day affair every quarter, as in South Carolina, to four-hour bimonthly meetings, as in New Hampshire. State-centered stakeholder efforts are a labor- and time-intensive form of political activity as compared to more standard democratic formats such as council meetings or hearings, but have become more common because of increased emphasis on public-private cooperation and public involvement in decision-making.

Because of their similarities in approaching comprehensive conservation planning, each regime has substantive similarities in stakeholder groups that make the comparison of differences more striking. As stated earlier, the federal investments in these sites means that federal employees are engaged in addition to state and county officials from wildlife, coastal, parks and recreation, planning and heritage departments and agencies. Most importantly, however, the analysis is based on comparison of the perspectives of a cohort of very similar interviewees performing the same sorts of activities in each site. These individuals might be expected to have very similar experiences by virtue of their similar positions within parallel organizations—occasionally as regional or local chairs of the same national organization. Common interviewees included land trust directors, heritage program directors, refuge and reserve managers, state fish and game and parks and recreation officials, conservation

biologists, state coastal agency employees, water quality groups, and NGOs: the Trust for Public Land, The Nature Conservancy, Ducks Unlimited, Audubon, Sierra Club, and native plant societies. Table 1.3 gives a comparative breakdown of interviewees by main organizational affiliation. Ten of the twenty-six affiliation sub-categories included interviewees in common across all cases (as shown in shading in the chart); fifty-three organization representatives, or over half of the sample, had counterparts in each of the other three cases.

Table 1.3: Interviewees in Each Site by Main Organizational Affiliation*

Affiliation Category	Affiliation	SC	N=40	NH	N=26	CA	N=27
	Partnership Director	3	8%	1	4%	2	7%**
Government	State natural resource agency	3	30%	4	42%		19%
	State and county parks and recreation	3					
	State coastal agency			1		2	
	State heritage program	1		1			
	Federal agency official: EPA, FWS, Sea Grant	4		1		2	
	Local elected official			1			
	Cooperative Extension			2			
	County Planner	1		1		1	
NGOs	Local/regional land trust	5	50%	3	50%	2	65%
	State conservation/smart growth technical assistance assn	2		2		1	
	The Nature Conservancy	3		2		1	
	Ducks Unlimited	1		1		1	
	Audubon Society	1		1		2	
	Sierra Club	1		1		1	
	Environmental Defense					1	
	National Wildlife/Wild Turkey Federation (hunting)	2				1	
	Trust for Public Land	1				2	
	Native plant society	1				1	
	Biodiversity/end. species group					3	
	River/reserve friends group	2					
	Forest protection			1			
Coastal and rivers protection, clean water	2	2	2				
Other	Researcher		12%	1	4%		11%
	Consultant	1				2	
	Funder	2				1	
	Corporation	2					

Shading indicates interviewee affiliations in common across all three sites.

*Due to 2 individuals with dual main affiliations, N does not match exact number of interviewees in each site.

** Percentage totals for each site do not add to 100% due to rounding.

It must be noted that the categorization of organizational type in the chart above is rough and relatively subjective, as in the case of the distinction between river or reserve

friends groups, and land trusts which focus on a particular wetland resource—organizations which are different operationally, but tend to attract very similar memberships (residential landowners who live in close proximity to the resource) with very similar overall missions. The chart of interviewees by affiliation does, however, betray some differences in participation across categories and organization types. For example, more federal officials played an active role in South Carolina, and endangered species and biodiversity groups are unique to California. Substantive difference in the sorts of stakeholders likely to be engaged across the spectrum of informal and formal participation will be developed in greater depth in the case comparison. Nevertheless, a core group of stakeholders from the same agencies and organizations appears in each site, as might be expected given the similarities in coastal resources and the interests these generate on a national and regional level.

Method

Because I am interested in long-term assessments of process implementation, my primary method for gauging the range of formal and informal activity of stakeholders and stakeholder reception of participatory regimes was based on intensive interviews with organizational representatives involved in conservation activities. Organizational representatives, by definition, can be expected to frame information about internal organizational decision-making processes and external relations for public consumption; these individuals are, in many cases, the “public face” of their organizations. Such information might differ from that gathered in real-time through organizational ethnography, or from group members or employees less focused on public relations,¹⁴ but the type of data sought is

¹⁴ Only one interviewee, a timber company executive, was actually employed within a “public relations” department; he was the company’s designated participant in conservation planning activities and held a volunteer leadership position in a river friends group. In all cases, I sought out interviewees directly responsible for participation in land conservation activities.

specifically oriented towards the way in which the participation of the group has been framed and interpreted, so focusing on participation stories, rather than observing the participation itself, is appropriate and practical in this case—especially since such stories are to be compared to those of other stakeholders within the community, and to those in two other communities. It is important to note that these representative spokespersons encompass a broad variety of commitments to the organization, from volunteers, to board members, to executive directors.

The interview data on which this study is based potentially suffers from omissions and shortcomings of memory typical of retrospective interviewing (Ericsson and Simon 1993). Wherever possible, I probed answers to cue recall, but the distance from the regime-formation events under study (in the least recent cases, recalling events occurring in 1989 and before) necessitates some caution when using interviews alone. Checking stories with multiple informants provided greater confidence about validity in cases where recall was in question (Yin 2003, 34). I have supplemented interviews with ethnographic observations and analysis of a variety of historical and documentary evidence in order to further substantiate the information gained from these interviews.

Multi-Site Fieldwork and Data Collection

The small-N case comparison undertaken in the project necessitated multi-site ethnography (Abbott 2004; Gillham 2000; Hannerz 2003). I began preliminary interviews and observations in South Carolina in the summer of 2001 and in San Diego in the winter of 2002. I spent three months interviewing and observing in New Hampshire from July 2003 through September 2003, three months in South Carolina from October 2003 through December 2003, and three months in San Diego from January 2004 through March 2004. I was able to

continue observation and follow-up interviewing in San Diego as I lived there during spring 2004 and winter and spring 2005 while I conducted data analysis and write-up.

Stakeholders and decision-makers were identified through official membership in the regimes, affiliation with these entities, and local conservation directories and networks, in addition to snowball sampling, which produced the same names. While total saturation of the population was not reached, this sample represents a substantial portion of the population of organizations and entities involved in conservation decision-making in each area. In all three sites, interviews were conducted until interview data yielded substantial repetition and little new information. As such, the research for this paper represents a wide-ranging survey of how the regimes were understood by stakeholders in conservation planning in each community.

In total, I conducted 103 interviews for the research, with twenty-six to forty regional, state, and local interviewees for each site and an additional nine national level decision-makers. I tape-recorded all interviews with subject consent and transcribed the interviews myself.¹⁵ I also attended regime and NGO-related events and activities such as parties, public presentations, and stakeholder meetings during my residence in each site. I consulted organizational documents, web sites, records, and maps, and performed content analysis of two years of daily newspaper coverage and letters to the editor on conservation issues in order to supplement the interviews. Coding for content analysis was conducted after document text was collected manually under the broadest possible understanding of conservation-related topics (not through electronic keyword searches) and entered into an electronic database. I used hand coding for interview transcriptions, organizational documents, and historical records, while keyword scanning was used in the case of newspaper coverage and letters to the

¹⁵ Transcription was performed using standard playback software after tapes were transferred to digital format for cataloging and backup.

editor once this data had been collected and entered into a full-text searchable and sortable database. The newspaper and letters database contains over two thousand text files collected from regional and local newspapers over a twenty-six month period from December 2003 through March 2006.

Defining Community

While the focus of my fieldwork in each case was a regional decision-making institution, defining how each regime related to the communities within each region was relatively difficult inasmuch as conservation projects crossed political jurisdictions and, in many cases, socially-constructed community boundaries.¹⁶ Agrawal and Gibson note that the use of community as a defining concept has been particularly problematic in writings on resource use, and has typically connoted small size, homogeneity, or shared norms (1999). While I describe cases as located in San Diego, Charleston, or Portsmouth, Charleston and Portsmouth are in fact the closest urban areas to watershed regions of the South Carolina Lowcountry and New Hampshire Seacoast that are neither small nor socially homogeneous. Since many of those interviewed lived or worked in these urban areas, and since the relevant media outlets were based in these urban sites, I have used these designations as shorthand for the larger regions studied in each case, but I do not mean to suggest that the stakeholders interviewed uniformly defined themselves as affiliated with these communities.

¹⁶ Residents of townships less than two miles apart may have thought of themselves as living in two different communities in New Hampshire, for example, but they also affiliated themselves with the larger “Seacoast” region, as distinct from the heavily forested northern reaches of the state. Residents in San Diego defined their belonging in reference to municipalities or subregions of the county; this project focuses largely on the southern regions of the county, as distinct from “North County.” South Carolinians were far more likely to see themselves as belonging to a more expansive geographic community: the Lowcountry (as distinct from the Piedmont and other regions of “the Upstate”), or their county of residence. This is not to suggest that these conventions of place affiliation are socially constructed without respect to ecological boundaries; the South Carolina regions are defined by unique soil and vegetation characteristics that produced strikingly different agricultural land use and settlement patterns that persist in the landscape today (Atack and Bateman 1987).

I follow Agrawal and Gibson's "more political approach" to community, in which "community must be examined in the context of development and conservation by focusing on the multiple interests and actors within communities, on how these actors influence decision-making, and on the internal and external institutions that shape the decision-making process" (1999, 629). In order to explore how external institutions and actors participated in the regimes, my research took me beyond the city and county limits of Charleston, Portsmouth, and San Diego. Individuals identifying themselves as regional stakeholders frequently resided outside the designated region, and decision-makers responsible for resource flows to the regimes from the state or federal level were usually far removed from the region itself. In addition to conducting research in the San Diego, Charleston, and Portsmouth areas, I also conducted interviews in the state capitals of Columbia, South Carolina, and Concord, New Hampshire, in the San Francisco Bay area, and in four other states (where regional decision-makers were located in Durham, North Carolina, or Boston, Massachusetts, for example). Interviews with national level decision-makers and observation of the North American Wetlands Conservation Council took me to the Washington, DC, metropolitan area, and to USFWS Division of Bird Habitat Conservation Headquarters, then located in Laurel, Maryland. In a few cases where travel could not be arranged or interviewees had left the region since participating in decision-making, interviews were conducted over the telephone.

Despite the willingness of many subjects to be named in the research, all persons interviewed in the course of the research are referred to with gender-specific pseudonyms derived from a random name generator. Identifying details of the watersheds and partnerships under question, and of authors of publicly-available documents cited in the analysis, have been retained. This is both for appropriate attribution and crediting of written sources, and because the geographical, biological, and social particularities of places and their unique histories are of special concern for the analysis. Organizational representatives, agency officials, and

political deputies officially participating in the three regimes are listed in Appendix One by affiliation only. Generic descriptions or pseudonyms of organizations, particularly regional and local organizations, are used within the text in some cases in order to protect informants. Some additional identifying details have been disguised depending on context and sensitivity of the information conveyed.

Concepts Used in the Dissertation Analysis

The study of informality and formality are by no means new areas of exploration for sociology, and can be traced to Weberian theories of bureaucracy and rationality. As a result, they impose especially loaded baggage on the contemporary researcher. Arthur Stinchcombe defines a sociological understanding of informality in terms that are particularly useful for narrowing and differentiating my own analysis of informalization:

“Informality” has a strong meaning in sociology, Habermasian philosophy, and much of the humanities: a world of warm personal relations subverting formal purposes and rules, a world of feuding and uncontrolled power struggles in the back room, a world of sexual harassment, or of the fraud and force of white collar crime, union busting, and of conspiracies in restraint of trade. By the traditional sociological argument, informality is to formality as machine politics, with its warm personal relations within ethnic neighborhoods and corruption in appointments and contracts, is to “good government.” (2001, 5)

A few prolegomena are in order regarding my use of the concepts of informalization and machine-style politics in order to differentiate these from dualistic conceptions of formality and informality as opposed principles and to distinguish my approach from one that privileges a particular moral viewpoint of formalization or informalization.¹⁷

The approach I use in the dissertation involves a systematic exploration of perceptions of the relationship between formal and informal practices. Rather than idealizing or

¹⁷ While deliberative democracy theorists tend to favor formality in democratic institutions, Stinchcombe points out that sociologists’ “gut reaction” is often to condemn formalization as meaningless ritual or fraud (2001, 1).

condemning either formal or informal approaches, my research builds on the largely separate literatures on formal and informal practices by exploring how attempts to allow for informal participation within formal processes might contribute to perceptions of such processes as regionally distinct and uniquely-valued. I am proposing a new way of thinking about how these well-studied phenomena intersect, and as such, my assumptions regarding the larger context of participation and informalization as social activities deserves further elaboration, both in terms of underlying assumptions and potential broader significance.

Community participation necessarily occurs in place and over time. Although I refer to participants and non-participants to distinguish official membership in the participation regimes under study, participation is not simply present or absent, but exists along a continuum of engagement styles. Attention to the qualitative aspects of participation does not mean that I am privileging one end of the participation spectrum over another. It is also critical to recognize that formal practices and informal practices are difficult to distinguish from each other. Formal practices will always occur in the context of informal practices, even if formal practices attempt to exclude these informal contexts from consideration. Conversely, informal practices can have norms, rules, and structures, even if these might be harder to deduce from the outside.

In order to get a better sense of what I mean when I distinguish between formal and informal practices, it is useful to compare the regimes to ideal-typical organizations which incorporate formal and informal practices in varying degrees. For the sake of illustration, I will briefly compare the differences between a corporate franchise and a family-owned business. A corporate franchise must observe federal, state and local regulations, but it also has externally codified practices recorded in handbooks and contracts regarding quality control, employee-customer relations, site upkeep and roadside appearance of the building structure, etc., and these are typically enforced through supervised management. Employee

relationships are impersonal, explicit, and hierarchically-ordered, and include routine opportunities for advancement based on time served, training regimens, or tests of ability. The franchise has a codified relationship to a larger national or international entity.

On the other hand, a family-owned business also must observe federal, state, and local regulations, but typically has internally-developed practices that are characterized by far more flexibility since the business is self-governing. Rulebooks on employee dress are unlikely, and routine practices are likely to be conveyed informally or by example. Relationships with other employees can be intimate and multi-valenced, such that one's daughter or brother can also be one's boss, and both roles and their associated power dynamics may be observed within the workplace. Potential for advancement within the organization is typically much more ambiguous, with decisions regarding promotion or ownership transfer to children involving a much more complex set of issues than assessment of individual ability. A family-owned business typically has a much stronger relationship to the community in which it is embedded, and may feel stronger obligations to support community initiatives that provide no bottom-line benefit to the organization itself.

The family-owned business as described above obviously evinces more incorporation of informal practices than the highly-regimented corporate franchise, but the reason why this comparison is useful is because we know that these distinctions are usually much fuzzier in actual practice. A family-owned business may, in fact, be a large corporate conglomerate (Rupert Murdoch's News Corporation), while a specific corporate franchise location can be run by a family, can be deeply embedded in its community, and may observe many informal practices occurring outside the bounds of the rules as codified by the franchisee. Even in the most highly-structured corporate franchise, employees do not relate to each other simply as impersonal equals, and structuring practices may attempt to regulate, but are also predicated on, a vast set of informal social practices whose rules would be too time-consuming and

expensive to codify. Additionally, the comparison is useful inasmuch as it reveals the ways in which the moral valences of formal and informal practices vary depending on context and positioning. While American mythology celebrates the family-owned small business as a warm and cozy enterprise, the ambiguity and multiplicity of informal practices and unwritten expectations there can create a far more oppressive and all-encompassing hothouse environment than the explicit obligations and impersonality of a job where one can advance on one's individual merits and leave work behind at the end of the day.

In order to distinguish formality and informality in this fuzzy landscape, Stinchcombe differentiates “informally embedded formality” and “formality being constructed,” types of flexibility within formal governance, from “classical informality.” It is Stinchcombe's classical informality, or “social life that is left out of the governing formality,” which I mean to explore in the dissertation. Stinchcombe describes this form of informality as follows:

Sometimes that can be simple everyday life lived during time at work or influenced by the work setting, irrelevant (in principle) to the activities governed by the formality. Often sociological interest in such informality is to show that it is indeed not irrelevant after all, that friendships can be the basis of a conspiracy to undermine governance by the formality... Sometimes it can be systematically subversive of the formal order, as in informal secrecy about bribery, or a mobilizing conversation for a wildcat strike that looks, from the outside, like friendly conversation... in any case, the general point is that the formal system never pretended that it was going to govern the activity in question. (2001, 8)

The extent of incorporation of informal practices within the formal processes that I study is of interest specifically because this type of informality is irrelevant *in principle* to formally-governed partnership activities. As Stinchcombe points out, sociologists study this activity with the understanding that it is indeed relevant to formality, but this sort of informality is highly resistant to incorporation in formal participatory models. Social hours can, of course, be incorporated as weekly rituals that are part of meeting structure, but one cannot mandate the hot topic of local gossip, or the contingent nature of social interconnections through

churches, families, schools, and shops. In this sense, the type of informal communication I discuss cannot simply be corrected into formal institutions through greater flexibility.

Given the definition of informal communication above, it would be foolish to attempt to measure the relative amount of informality—informal communication is more the surrounding bath of social life in which formal processes take place than an apposite social activity. This project instead focuses on comparing how instances in which stakeholders claim that specific occurrences of informal social activity were relevant to the formal planning process affected their view of inclusion, transparency, and consensus-building in the overall process. A key difference from the examples cited above as sociologically relevant is worth noting. Rather than focusing on the destabilizing effects of informality on formal processes, I am instead focusing on the extent to which interviewees report that informal communication was qualitatively related to formal processes. Informal communication may have been perceived as subversive, or it may in fact have been perceived as reinforcing the formal process.

With these precepts in mind, it is worthwhile to review the types of informal practices in the areas of organization, communication, and relationships which are relevant for the decision-making regimes I am studying (see Table 1.4).

Table 1.4: Types of Informalization

Organization	Avoidance of formal organizational structure and standard transparency provisions: group charter, rules, organization name, membership categories, logos, signs, set meeting place, budget, newsletter No set grievance process or exit/dismissal policies
Communication	Informal discussion before or after meeting Information-sharing in regularly-occurring and chance external encounters Informal information-sharing agreements with unofficial members and public officials Information-sharing prior to council votes and project announcements regarding sympathies and likely reactions Intentional ambiguity in discussion of property ownership (keeping sensitive topics off the table) Intentional use of imprecision in objects of deliberations (maps, charts) Opportunities within meeting for personal conversation in areas of common interest unrelated to conservation—local sports teams, e.g. (“break” time for informal discussion)
Relationships	Giving and receiving pleasantries, gifts Offering coffee or tea, snacks Creation of contexts that support kinship or friendship associations: eating in family-style setting or eating a hot meal together, e.g., as opposed to eating individually-purchased sandwiches at a conference table Creation of host-guest relationships Instrumental use of friendship and familial networks to persuade and force preference change Use of family ties as nodes for cross-cutting connections to different organizations and different scales, divisions of organizations: husband and wife or mother and son board/management affiliations

As a preview to the types of informalization discussed in the dissertation, this list is by no means comprehensive or definitive. Nevertheless, it does convey the range of planned and unplanned ways in which informal onstage and backstage practices intersect with formal, official processes in more and less visible and calculated degrees.

Finally, this range of informal activities (in particular, those practices which are intentionally brought to bear on official processes) gives a better idea of the sorts of activities I refer to when describing the ACE Basin Task Force as a “conservation machine,” or its

members' modus operandi as "machine-style." Here I refer to those backstage activities which resemble the strategic coordination of growth machines—in the sense that they rely on instrumental use of networking among a coalition within a particular region in order to achieve the common goal of conservation, rather than development. I am not referring to a machine in its dictionary sense of a system or device, nor of machine politics in the romantic or historical sense evoked by Stinchcombe of Tammany-like ethnic organizations controlled by a corrupt party boss. Instead, I am playing on the idea of the growth machine as suggested by Harvey Molotch and described in much greater detail in the following chapter. Molotch clearly intends his description of growth coalitions as machine-like as a critique of their tactics and revenue-generating ends, and I deliberately leave open the question of whether machine-style tactics that serve the contrary ends of conservation are subject to accusations of conspiracy or private gains.

The use of terms like informalization and conservation machine are not simply meant as provocations, however. The intent of this dissertation is to employ these concepts in order to ask serious questions that might seem counterintuitive under a different approach: Why might it be advantageous for regimes to be transparent about a lack of transparency? How do seemingly insignificant or trivial gestures like gag gifts become invested with significance and utility over and above certificates of merit or public ceremonies? In the same way that I compare the qualitative aspects of participation in order to move the debate on deliberation from ahistorical abstraction to implementation in real times and real places, I do hope that recasting the language and widening the scope in which participatory practices are discussed prompts a reassessment of the types of behaviors and types of processes that sociologists privilege.

Plan of the Dissertation

The dissertation is organized in six chapters. In this chapter, I have situated my research question, previewed the argument in the overall dissertation, described my case selection and methodology, and defined terms important to the analysis. In Chapter Two, I challenge the contemporary theoretical framework in three separate literatures that understand formal participation as an abstract ideal. Using studies from neoinstitutional and social movement theory, I describe the contextual realities that frustrate the ideal of exclusively formal participation in practice. In light of this evidence, I assert that researchers' continuing commitment to exclusively formal participation is problematic for the anxieties it masks in regards to cooptation or anarchy in informal processes of community involvement. I claim that this value commitment is closer to preferences for the harmonic middle landscape of pastoral than to theorists' espoused utopian leanings. I propose that new participatory institutions are necessarily permeated by informal practices, and that whether this is publicized sufficiently or interpreted positively or negatively by the community is a matter of contextual debate. This sets the stage for considering the perceived relationships of informal and formal participatory practices in the case study chapters that follow.

In Chapter Three, I describe the relationship between formal participation practices in California's Multiple Species Conservation Program and the varying reception the participatory process met with in the San Diego community. San Diego's case is the most strictly formal, and has become a model of empowered deliberative democracy for the rest of the country. By discussing how participants and non-participants assessed the inclusion, transparency, consensus-building, and social capital that had been achieved in the process, I describe some of the opportunities and challenges of a formally delimited process. In Chapter Four, I describe the ways in which New Hampshire's Great Bay Resource Protection Partnership attempted to privatize participation by combining formal and informal

engagement practices in order to gain community support. I discuss how this combination was interpreted by national NGO leaders, their local counterparts, and members of the communities they targeted, and as in San Diego, describe the opportunities and challenges of attempting to combine formal and informal approaches. In Chapter Five, I describe the relationship between informal methods of soliciting participation in South Carolina's ACE Basin Task Force and stakeholder assessments of the process's inclusion, transparency, consensus-building, and social capital. I assess the opportunities and challenges of the Task Force members' deliberate choice to pursue more informal strategies of support—in particular, whether this choice was interpreted as a conspiracy for conservation because of its machine-style tactics.

In Chapter Six, I describe the results of the case comparison as examples of attempts to design land use planning institutions responsive to local contexts, focusing on the diverse concerns that drove stakeholders' own reception of these new participatory forms. I also describe commonalities across the cases, particularly the enthusiasm for additional partnering efforts generated by the regimes, and the skepticism of ground-level practitioners and agency officials regarding this enthusiasm. By investigating the complex politics of local participation as perceived in particular contexts, I question the assumption that formal participation is a preliminary channel to some more authentic community politics. Most importantly in relation to the significance of the study, I explore what this alternative perspective suggests about the perpetuation of democratic ideals through formal mechanisms.

CHAPTER TWO

THE CONSERVATION MACHINE IN THE GARDEN: CHALLENGING THE PASTORAL IMAGINARY IN FORMAL PARTICIPATION

In this chapter, I investigate why formal participation remains so durable as an ideal despite extensive critiques from a variety of literatures. First, I address arguments for formal participation as an ideal model of democratic politics within empowered deliberation, urban planning, and resource management literatures. These literatures call for bottom-up participation in small-scale, state-centered decision-making. Next, I address arguments against the linking of formal participation with positive democratic outcomes from a variety of literatures on political theory, institutions, and social movements—almost all of which argue for greater attention to the context and quality of organized engagement efforts. Without considering practices of local power, administration, and culture, critics argue, it is hard to account for the particular kinds of exclusions, cooptation, or unintended consequences that can result from well-intended institutional designs. An unvarnished reckoning of formal participation must attempt to explain why the same organizational form may produce wildly different outcomes across or within cases—enthusiasm and increased civic-mindedness in one instance (or for some participants), and disillusionment and alienation in another (or for others).

In light of these arguments, I suggest that state-centered participation as a formal ideal resembles eco-pastoral rather than utopia, since it represents a symbolic attempt to resolve tensions between bureaucratic administration and democratic decision-making. I argue that the routine deployment of formal participation masks deeper anxieties of anarchic tendencies in informal participation. To the extent that state-centered participation claims to be responsive to local contexts by means of a universally-legible routine, it contains fears of local exceptionalism and private irrationality by sanctioning them in a strictly-delimited formal

space. Of course, elements of informal and intimate practice necessarily permeate the formal space of institutionalized participation. New institutions must confront long-term histories of contention and the inertia of traditional practices—whether or not “the way we [used to] do things” is a topic for discussion. Employing research from critiques of formal participation, I propose that there is evidence to suggest that the informal civic traditions and relationship networks that coexist with formal institutions may be equally useful for engendering the enthusiasm for engagement that researchers ascribe to formal participation processes. This sets the stage for the consideration of how the perceived relationship of informal and formal participatory practices is linked to outcomes in the case studies in the chapters that follow. It also suggests a new area of investigation—how this relationship is acknowledged within the community or the formal regime.

Participation as Convention

Stakeholder participation processes are now de facto elements of decision-making large and small, from memorial design to changes in corporate benefits plans. Formal efforts to gain citizen input at the local level (public hearings and comment periods, citizen advisory boards and working groups, collaborative planning initiatives) are standard components of urban and environmental planning in particular, in part because of procedural requirements for public input like Environmental Impact Review. This trend in enhanced citizen participation in combination with a shift to greater devolution of environmental decision-making to state and local governments has been heralded as a promising new era of “civic environmentalism”—and a needed antidote to top-down federal regulatory approaches (John 1994; Sabel et al. 2000). The presumption of the positive results to be gained from participatory models of deliberation is also reflected in the sociological literature on resource management and environmental decision-making, which is overwhelmingly concerned with

identifying optimum strategies for encouraging substantive participation on the part of locals with limited capacity to engage in repeated, time-consuming processes (Gericke and Sullivan 1994; Gill 1996; Landre and Knuth 1993; Lauber and Knuth 1998; Lawrence, Daniels and Stankey 1997).

Participation is, in fact, so taken-for-granted as a universal virtue that its workings in practice are largely unquestioned. Studies of how to get more everyday citizens to participate rarely ask how the potential rewards of more inclusive participation might be brought into being by these extra participants. More participation is usually presumed to engender decisions more reflective of community priorities and, consequently, greater community support for those decisions. But understanding participation strictly as an abstract, universally applicable model of appropriate governance behavior—as a good in and of itself, independent of its contexts—neglects the ways in which formal participation efforts may, and often do, fall short of theorists' goals (Abel and Stephan 2000; Irvin and Stansbury 2004). The idea that participation might be at odds with other similarly unquestioned virtues of good democratic governance such as transparency is rarely broached. If a new institution increases participation but does not engender greater community support—if, in fact, the participatory model itself engenders significant controversy or produces greater participation from some groups while alienating others—we are bereft of explanatory tools to account for these conflicts. In the face of limited participant enthusiasm for formal participation, researchers either claim that the model was imperfectly deployed (Karpowitz and Mansbridge 2005) or that local pathologies are to blame; in the words of Cohen and Rogers, “we have a problem in the circumstances, not in the ideal that condemns them” (2003, 249). Explanations of this sort, of course, repudiate the local perspectives that the models were supposedly seeking in the first place.

The central question driving this dissertation, then, is to ask how stakeholders link formal participation to its presumed social benefits, and to evaluate these assessments not as evidence of flawed implementation or local pathology, but as demonstrations of the tensions that occur when models of association confront the attitudes of diverse local constituencies towards individual and collective goods and the power of government, organizations, or institutions to distribute them effectively. In order to answer this question, I compare how formal and informal elements of participatory engagement are implemented in three very different local contexts (who is approached, how invitations to participate are extended, how frequently and with whom participants interact, who gets to observe and manage these interactions, how decisions are made and implemented) and how readily participants and the larger community link these dimensions of participation to democratic principles of inclusion, transparent governance, and consensus-building. Questioning the presumed virtue of participation in terms of its interpretation on the ground is not to claim that participation is bad or unimportant.

Instead, I am proposing a more thoroughgoing analysis of how abstract models can become invested with romantic ideals that may not, in fact, provide much traction in explaining their articulation—or their rejection—in everyday contexts. Understanding formal participation as a vehicle in which citizens can express and negotiate their preferences ignores the frequency with which participants themselves debate the institutional mechanisms through which participation is accomplished. Sociological research on political institutions has demonstrated that they are more accurately understood as social processes rather than static structures; political institutions are transformed by and transform their participants (Clemens and Cook 1999). As such, state-centered participation is not simply a route to the real business of community deliberation; it encodes claims about the belonging of participants, the fairness of process, and the saliency of topics—claims that are inherently political, and often

contested. These conversations about the politics of participation occur before, during, and after the process, within the process and outside it, in public and private, among participants and non-participants—and are themselves subject to contestation. Rather than assume that participation produces empowerment or bemoan the tensions between ideals and their implementation as regrettable, I instead investigate how stakeholders draw attention to their own assessments of the consequences of participation. These assessments address not just state-centered processes and their administrators, but the potential impacts of stakeholder participation on the constitution of community and their place in it.

Arguments for Formal Participation in Democratic Politics: Model Decision-Making in the Empowered Deliberation, Urban Planning, and Resource Management Literatures

The desirability of formal participation in democratic process constitutes a solid consensus in a related set of literatures on deliberative democracy, urban planning, and resource management. Why has this agreement on the importance of state-centered approaches to participation come about, and which factors are seen as obstacles to accomplishing participatory goals? In this section, I describe the common principles of formal participatory decision-making developed by theorists in these three fields.

Empowered Deliberation: Real Utopia?

What we need, then, are “real utopias”: utopian ideals that are grounded in the real potentials of humanity, utopian destinations that have pragmatically accessible waystations, utopian designs of institutions that can inform our practical tasks of muddling through in a world of imperfect conditions for social change. (Wright 2003, 16-17)

Archon Fung and Erik Olin Wright have developed a clearly articulated model for what they describe as Empowered Participatory Governance, or EPG. Fung and Wright understand EPG as a promising alternative to top-down governance by bureaucrats, strategic

negotiation among elites, or ideological struggles of traditional social movements or parties.¹⁸

The three principles of EPG are practical orientation, bottom-up participation, and deliberative solution generation (2003, 16-17). Fung and Wright's admittedly "optimistic expectations" are that EPG processes will produce "broad and deep participation," equity, and "effective problem-solving" (2003, 25-27)—expectations that map neatly onto the interests of the dissertation in stakeholder assessments of inclusion, transparent and fair governance, and consensus-building. The fact that participation is both a principle and a result in Fung and Wright's EPG model rests on their assumption that the sustained quality of participation in these processes is "an independent desiderata of democratic politics" (2003, 27), in the vein of John Stuart Mill.

While these ambitions seem relatively broad in scope, Fung and Wright believe that a set of formal design properties make EPG feasible as an institutional arrangement. First, EPG must be devolved. In the case of Habitat Conservation Planning, this means "giv[ing] up the centralized and uniform standard of development prohibition under the Endangered Species Act in favor of a regime in which local stakeholders produce highly tailored habitat management plans that advance both development and species protection" (Fung and Wright 2003, 21). Secondly, despite the localization of participation and decision-making, EPG must involve centralized supervision and coordination, such that the decentralization effected by devolution is "coordinated," not autonomous. Most importantly, EPG must be "state-centered, not voluntaristic": "This formal route potentially harnesses the power and resources of the state to deliberation and popular participation thus making these practices more durable and widely accessible. These experiments generally seek to transform the mechanisms of

¹⁸ Despite this formulation, I have retained the language of "empowered deliberative democracy" (EDD) when describing the larger school of theory because this terminology is more common. For practical purposes, EDD is equivalent to EPG, and Fung and Wright use the language of deliberative democracy frequently and interchangeably.

state power into permanently mobilized deliberative-democratic grassroots forms” (Fung and Wright 2003, 23). Participation in EPG is formally constituted “within state institutions,” in contrast to the traditional strategies of social movement organizations, parties, or interest groups, which are typically understood to deliberate internally and then negotiate for power in the larger political sphere. Fung and Wright believe that EPG may actually be more radical than informal contention strategies inasmuch as it requires citizens to mobilize themselves as powerful actors in the continuing administrative mechanisms of the state:

These transformations attempt to institutionalize the ongoing participation of ordinary citizens, most often in their role as consumers of public goods, in the direct determination of what those goods are and how they should be best provided. This perpetual participation stands in contrast, for example, to the relatively brief democratic moments in both outcome-oriented, campaign-based social movements and electoral competitions in ordinary politics in which leaders or elites mobilize popular participation for specific outcomes. (2003, 22-23)

While “perpetual participation” may seem exhausting for ordinary citizens, Fung and Wright assert that reorganizing participation in this way is worthwhile because participants can assume the authority invested in their roles as empowered decision-makers: “they need not spend the bulk of their energy fighting for power (or against it)” (2003, 24). EPG experiments may not succeed in fulfilling all of these ideals, but they are exemplars of “real utopias” inasmuch as they propose a new and idealized way of acting in contrast to earlier, flawed models of engagement, which are presumed to favor elitist, bureaucratic solutions that do not take the wisdom of local “ordinary citizens” into account.

Urban Planning: Confronting Local Power Landscapes and Elite Growth Networks

The growth machine notion identifies, hopefully in a fairly humane way, who and what the “enemy” is—almost to the point of listing addresses. (Molotch 1999, 265)

Growth machine theory is an older paradigm which explains why empowered deliberative democracy (EDD) literature understands participatory, state-centered processes as effective alternatives to elite domination of decision-making. Growth machine theorists assert that they are distinct from an earlier generation of students of urban elite power (Mills, Hunter, Domhoff) because they describe how elites function and not just who they are (Jonas and Wilson 1999, 248). In Harvey Molotch's famous formulation of "the city as a growth machine" in 1976, promoting growth at the expense of others has been the essential goal of local politics in the U.S. since the pre-Fordist era. Community planning has been dominated by those elites with particular investments in such growth: businessmen, property owners, newspapers, lawyers, etc. Land negotiations form the core of this backstage bargaining for the spoils of development:

The other politics is the process through which goods and services actually come to be distributed in the society. Largely unseen, and relegated to negotiations within committees (when it occurs at all within a formal government body), this is the politics which determines who, *in material terms*, gets what, where, and how (Lasswell 1936). This is the kind of politics we must talk about at the local level: it is the politics of distribution, and land is the crucial (but not the only) variable in this system. (Molotch 1976, 313-314, emphasis his)

Molotch's growth machine theory has proven remarkably robust and productive territory in an age supposedly characterized by globalization and the diminished importance of place, accounting for multiple facets of urban politics and producing a critical turn to the study of the production of space and place as a political economic enterprise over the last thirty years (Logan and Molotch 1987).

Growth machines function through a combination of private coalitions, networks, and formal organizations of urban elites like chambers of commerce, which can engage in decision-making and deal-making on urban issues away from public oversight (Molotch 1999, 252). This results in impoverished public decision-making because "growth machine systems

erode capacity to collectively solve problems” (Molotch 1999, 258), and “citizen shareholders” are not afforded the opportunity to suggest viable alternatives. As with deliberative theory, the problem of elites is one of controlling not just resources, but political communication:

To achieve growth machine goals, other types of agendas are swamped in the persistent effort to accumulate rentier advantage. There is, without explicit conspiracy, control over ideology, over discourse, over issues. It happens, for example, by so crowding meetings of planning commissions and city councils that they suffer from ‘agenda glut’ (Lima and Wooley 1991) that keeps other topics waiting in the wings. (Jonas and Wilson 1999, 258)

Unlike deliberative theory, the problem is not so much with the manner of political debate, but with the ways in which elite dominance of the debate favors certain topics over others. The predominant “territorial ideologies” of growth machines claim real estate development is a matter of public-spirited civic boosterism and unitary public interests, which makes contesting stratification and marginalization of other civic issues particularly difficult (Cox 1999, 23).

While growth machine elites’ interests and dealings are largely private, they nevertheless form regimes with local governments and depend on government to enforce the market conditions that will allow them to exercise their property rights (Molotch 1999, 249). Governments do have the power to constrain growth machine activities in this sense, for example, by also enforcing rules that limit property rights, such as zoning restrictions: “laws of historic preservation, habitat conservation, and flood plain controls similarly vitiate growth machine systems” (Molotch 1999, 251). Molotch also asserts that better attention to decision-making and participation may lead to effective counters of elite power: “By understanding precisely how those decisions were made (who participated, under what motivations, and with what sorts of structural and social backing?) there can be better routes toward remediation” (1999, 257). Accordingly, in the growth machine literature, greater transparency and more responsive and coordinated governance of formal decision-making is essential to countering

the informal strategies, privatization, and territorial ideologies through which growth machine elites dominate decision-making.

Participation in environmental decision-making in the last twenty-five years has been given renewed vigor in the United States due to an awareness of the destructive effects of this style of growth machine planning and the emergence in the 1980s of the “environmental justice” movement, a burgeoning grassroots effort to reinvest historically excluded residents in local planning politics. Social scientists contributed to these efforts by revealing that poor people and people of color were systematically disempowered in land use decisions made by closed growth networks that sited dumps and locally undesirable land uses in these neighborhoods (Bullard 2000; Pellow 2004). Remedies for this sometimes deadly form of institutional discrimination grew out of a desire not to mimic elite politics but to create comprehensive, widespread grassroots participation such that communities could meet at a planning table and collectively decide their priorities (Albrecht 1995; Weinberg 1998). As a result, planners have focused on engaging those who were not invited to the planning table in the past, as well as gaining as much participation as possible through locally sensitive outreach efforts.

Resource Management: Respecting Local Knowledge and Cultivating Local Support

Concurrent with attention to structuring participation in order to empower previously underrepresented populations has been a movement to reclaim marginalized groups’ own resource management traditions and history. In the U.S., this has produced intriguing revisionist histories that describe the communitarian access and use ethics of rural “common people” and American Indians coming into conflict with access and use restrictions imposed by urban elites, politicians, and corporations promoting their own version of conservation

(Cronon 2003; Jacoby 2001; Judd 1997; McEvoy 1986).¹⁹ Locally-sanctioned practices that had evolved over time such as hunting and periodic burning were reframed by outsiders with legislative power as illegal poaching or property destruction.

Contemporary research on organized conservation in the developing world has revealed a similar phenomenon, wherein international conservation groups that imposed conservation regimes such as reserves and parks from the outside found their efforts frustrated by locals who depended on natural resources for subsistence and livelihood. Attention to indigenous approaches to common resource management and failed conservation policies has revealed that, in the absence of strict enforcement of anti-poaching laws, contemporary institutions must structure incentives for resource management with the needs of locals foremost in mind (Gibson 1999; Gibson, McKean and Ostrom 2000; Ostrom 2002). This has prompted a burgeoning field on participation in contemporary resource management,²⁰ which has studied and categorized a wide range of mechanisms intended to engender favorable and supportive reception among local stakeholders—among these, participatory research (Berardi 2002; Chuenpagdee, Fraga and Euan-Avila 2004; Michaels, Mason and Solecki 2001; Zanetell and Knuth 2002), civic social assessment (Kruger and Shannon 2000); collaboration (Bryan 2004; Hibbard and Madsen 2003; Jolly 2003; Nyhus et al. 2002; Sturtevant and Bryan 2004; Walker and Hurley 2004; Weber 2000; Wondolleck 1986; Wondolleck and Yaffee 2000); comanagement (Chuenpagdee, Fraga and Euan-Avila 2004; Lane 2001; McCay and Acheson 1987; Pomeroy and Beck 1999; Schusler, Decker and Pfeffer 2003; Zanetell and Knuth 2002);

¹⁹ As Molotch has pointed out, these pre-Fordist practices of control over land by elites are precursors to later growth machine activity. It is notable here, however, that such activities can be organized towards conservation as well as development, when the physical characteristics of the resource make conservation a more remunerative investment.

²⁰ Much of this research is geared to be “policy-relevant.” While it would be foolish to try to draw a strict distinction between theory-testing and policy evaluations, this literature typically examines model cases in terms of formal elements exportable to other contexts.

and consensus-based decision-making (Landre and Knuth 1993; Mascarenhas and Scarce 2004; Pellow 1999; Waage 2003).

Much of this research is geared towards evaluating such mechanisms along three parameters: the incorporation of local knowledge into conservation plans, the educative function of participating in such processes, and the exportability of the participatory mechanism to other local contexts. In this sense, resource management literature is similar to EDD and growth machine literature in its emphasis on formalized efforts to achieve bottom-up participation and control powerful entities (in this case, states and advocacy groups) that might otherwise corrupt local decision-making. All three literatures construe formal participation as enabling alternative voices that might otherwise go unheard in representative systems prone to cooptation by interest groups or private deal-making by elite networks.

Commonly-Acknowledged Obstacles to Formal Participation

Researchers in all three literatures acknowledge that factors aside from disruption by powerful actors might constrain the implementation of idealized models of participation—and direct their attention to overcoming practical limitations to participation. Since formal participation requires knowledge of meeting times and locations, familiarity with local issues, facility in talking about them, and personal investment in the community, not to mention time and resources to attend repeated meetings, much of this literature is oriented towards overcoming the limitations of participant and community “capacity” in these areas. In a text devoted to capacity-building strategies, Chaskin, Vidal, Brown, and Venkatesh attribute failure to participate to a variety of sources internal to the particular community: “The reality of community participation as described here rarely reaches the goals that formal community capacity-building efforts set. There are several reasons for this discrepancy, ranging from lack of skill and resources on the initiative’s part to residents’ lack of skills or interest to get

involved” (2001, 168). Apathy frustrates many attempting to construct formal participatory efforts at the community level, particularly for the potentially exhausting “perpetual participation” that Fung advocates (2003). Irvin and Stansbury question whether participation is worth the effort by describing their own involvement in a heroic effort to attract participants for a watershed management initiative where only one soul actually showed to the scheduled meeting. The authors conclude that, despite the fact that “it is difficult to imagine anything but positive outcomes from citizens joining the policy process... community participation may be costly and ineffective” (Irvin and Stansbury 2004, 55).

Such cautionary examples are unusual for the literatures on formal participation. Instead of seeing the practical limits of capacity for community participation as insuperable obstacles, theorists typically endeavor to understand technical flaws in the participatory mechanisms used. More frequently, they describe successful small-scale “model processes” on which to formulate “best practices” to serve as “lessons and inspiration” in other communities (Gastil and Levine 2005). In their focus on the upbeat, most researchers emphasize that deliberation itself requires skills gained in practice: “Deliberation may have a number of positive outcomes, but it is more important to understand deliberation as a powerful socialization experience that reminds participants what it means to be a true citizen in a democratic society” (Button and Ryfe 2005). Despite acknowledging flaws in process and stakeholder limitations, proponents of EDD and related formal participation processes continually emphasize that, regardless of efficacy, participation in deliberation is worthwhile in and of itself for those who do get involved—both an end and a mean, self-reinforcing and civically invigorating.²¹

²¹ Deliberative theorists describe the flip side of this self-reinforcing formula as the “Kaufman paradox”: “although participation in democracies helps people increase their capacities, those who have not yet had the experience of participation will sometimes not have sufficient capacity to bring off a

Critiques of Formal Participation in Democratic Politics: Arguments Against the State-Centered Engagement Model in Development, Political Theory, and Civic Engagement Literatures

In this section, I describe critiques of formal participation that address more substantive flaws than the limitations described above. These critics claim that a focus on increasing inclusion by enhancing motivation and capacity obscures problems with the premises on which formal participation is based—most notably, the idea that such participation creates a space free of politics where participants do not use their involvement for ends external to the process (Agrawal and Gibson 1999; Amy 1987; Coglianese 2003; Gibson and Koontz 1998; Singleton 2000; Walker and Hurley 2004). These theories have in common an emphasis on the lack of attention in participatory models to institutional and historical factors that might frustrate researchers' expectations of inclusion, equity, and efficacy—sometimes leading to disastrous unintended results. I employ insights on contextual influences and informal elements of organizations from neoinstitutionalist literature on civic engagement to account for the common theme in these varied critiques. Finally, I suggest why, despite the collective weight of these criticisms, the principle of formal participation has been so durable.

Participation as Tyranny: Critiques from Scholars of Development

The strongest critique of participation comes from the resource management literature on the developing world, and builds on postcolonial and feminist critiques of development theory (Cooke and Kothari 2001; Kothari 2002; Kothari and Minogue). These critics claim that participation is frequently used as a means to local consent rather than a transformative

successful democracy. What they need is precisely what, because of their need, they cannot get” (Mansbridge 2003, 177).

end for the community and is often irrelevant to locals inured to coping with fickle project-based foreign aid regimes (Bastian, Bastian and Nivaran 1996; Sivaramakrishnan and Agrawal 2003; Swidler forthcoming). Uma Kothari argues that participation is “a new grand narrative of development,” deployed through fundamentally dishonest rhetoric that obscures Foucaultian relations of power, romanticizes community, and valorizes local knowledge (2002, 139). Participatory practice is preoccupied with formal models such that it exhibits “blindness to context, leading to mechanistic applications of participatory techniques” (McGee 2002, 107). Because environmental decision-making frequently requires knowledge of technologically-sophisticated information systems, layperson and volunteer input may be contained by the experts and officials who hold power within participatory processes (Few 2001; Koontz 1999a; Koontz 1999b; Korfmacher 2001; Korfmacher and Koontz 2003). Local elites may dominate processes to the same extent (Davis and Bailey 1996). Like the enthusiastic promotion of formal participation described above, this wholly negative view of participation has a tendency to focus on selected examples of participatory projects (in this case, those gone wrong) in order to “justify writing off the entire approach” (McGee 2002, 107). As critics of these critics note, many of these complaints hit home, but the “participation as tyranny” camp rarely proposes alternatives or compares participatory outcomes with those achieved by other means (McGee 2002, 108).

Formal Participation as Flawed Political Theory: Deliberation as Pageant of Rationality

Critics within the field of deliberative democracy have also attempted to dampen unchecked enthusiasm for formal participation by elaborating on the pressures its underlying value paradigm places on actors of varying social positions. Chief among these complaints are the assumption of transparency and rationality as preconditions for deliberation. Daniel Naurin tests the idea that transparency somehow has a purifying or civilizing effect on

political discourse by comparing the behavior of business lobbyists in Europe in transparent and closed systems. Naurin points out that, according to negotiation and corporatist theory, publicity may cause “inefficiency, politicization, and fluffy rhetoric” as actors “stop communicating with each other and instead involve themselves in public relations with the audience” (2002, 18). Naurin asserts that deliberations that occur in public have a tendency to be superficial:

Transparency and publicity does not promote deliberation on the elite level. Deliberation implies arguing with the sincere purpose of convincing the other parties, as well as respectfully taking their arguments into account. Publicity, on the contrary, makes elite actors less interested altogether in having a dialogue with their counterparts. The audience gets in the way. Furthermore, if deliberation is about transforming preferences, and publicity forces you to know what you want and stand by your position, then “public deliberation,” it seems to me, is something of a contradiction in terms.²² (2002, 19)

Naurin points out that abstract ideals of public deliberation are unlikely to work in practice as predicted because “‘the public’ is a more complex set of audiences than deliberative theorists... tend to assume” (2002, 17) and “contextual situation-specific factors” have a substantial impact on the quality of deliberation (2002, 18). The “increased temptations to use passionate rhetoric” when deliberations are made public can actually inhibit the search for authentic, public-spirited common ground (Naurin 2002, 18). In this vein, Walker and Hurley describe the case of one California county in which the public forum of a collaborative planning process provided unique opportunities for some participants to unseat political rivals. The authors find that, rather than focusing on procedural refinement, practitioners must ask “whether a collaborative approach might actually create a more contentious management climate inimical to finding mutually agreeable and effective solutions” (Walker and Hurley 2004, 748).

²² Many deliberative democracy theorists implicitly recognize this problematic by insisting that deliberation take place in small groups—but then worry about the difficulties of “scaling up.”

According to Naurin, the performative aspects of deliberation can make the actual content of discussions more superficial, but it is the relationships between deliberators and public audiences that contaminate deliberations. Maarten Hajer (2005) explores the dramaturgical elements of deliberation further by studying the importance of varied setting and staging contexts to local perceptions of participatory planning in the Netherlands. According to Hajer, “participation changes face because of the settings in which it takes place” (2005, 631). Building on Burke (1969) and Edelman (1964), Hajer argues that “the design of the setting affects what is said, what can be said, and what can be said with influence” (2005, 624), such that presentations of highly technical plans, even when presented to a diverse audience, tend to engage only decision-makers and other planning professionals. Understanding political processes “as a sequence of staged performances” may help empirical researchers better analyze “under what conditions a variety of people and voices emerge in the political discussions, how the variety of contributions can be related to one another in a meaningful way, and under what conditions such statements can be made with influence on the actual decision making” (Hajer 2005, 630).

Hajer emphasizes that, in the case he studies, “the most important political moment actually occurred at a site that many would not even include in an analysis of politics in the first place” (2005, 631). Experimental and evolving settings are needed because “groupings and communities... change over time in the policy process” (Hajer 2005, 642). For Hajer, public deliberation processes fail because “the fixed statutory-based modes of participation have produced their own dramaturgy, one in which the *dramatis personae* is well known and the different actors play their roles from a generally known script,” regardless of changing contexts (2005, 642). The problem of participation is not with the cast but with a reliance on conventional settings. Even when well-meaning, participatory process was often “locally understood in terms of the very practices it aimed to criticize” (Hajer 2005, 637). Evaluating

deliberation requires attention to underlying contexts, external meaning-making, and even settings not typically understood as “political.”

Iris Marion Young (2000), Jane Mansbridge (1980), and Lynn Sanders (1997) critique deliberation from a different standpoint than Hajer and Naurin. For these theorists, the pressure on non-elite participants *not* to use passionate or emotional rhetoric constitutes a mechanism of exclusion that disadvantages those who do not frame their arguments according to prevailing norms of “rational” deliberation.²³ Young finds that pressure for consensus in deliberative processes can be oppressive and exclude the expression of dissenting viewpoints. For Young, deliberation risks excluding those with substantive differences of opinion (Fung, Young and Mansbridge 2004, 49).²⁴ Jane Mansbridge finds that even in very small participatory democratic institutions where common interests are most likely, the “attempt to apply the procedure of consensus in moments of genuine conflict as well as in unity reveal the diverse ends consensus can serve” (1980, 268). Aside from disadvantaging laypersons and volunteers, formal processes of deliberation may also obscure or ignore gender, race (Kochman 1981), and class (Cohen and Rogers 2003) differences in communication styles, according to these critics.

Mansbridge’s study of local decision-making challenges both the “small is beautiful” romanticism of the resource management theorists and the EDD theorists’ advocacy of intimate consensus-based process as the equitable ideal. Mansbridge agrees with Young that consensus-oriented groups can be laboratories of conformity, “producing surface unanimity while masking a genuine opposition of interests” (Mansbridge 1980, 282) where substantive differences of power and interests exist. Like Naurin, Mansbridge asserts that “transparency is

²³ Michael Schudson confirms that such norms exist but argues that they are, in fact, the condition for democratic self-government, not the conversation itself (1997).

²⁴ This source is a transcription of an interview led by Fung of Young and Mansbridge, so I identify the speakers separately.

not always good” for free discussion or relationship-building (2003). An unreflective promotion of consensus-based processes regardless of context ignores the fact that, depending on the situation, civic education could also be achieved by non-egalitarian means: “if the goal is education in public and political affairs there is potential in inequality as well as in equality” (Mansbridge 1980, 246).

Mansbridge and Young do not abandon hope for truly liberatory forms of deliberation, however, but suggest that it is most useful in combination with other forms of collective action. Participation in deliberation is not an alternative to adversarial modes or more radical social movement activities but a companion to them. For the purposes of my analysis of the principles of EDD, it is important to note Young’s claim that state-centered, devolved deliberative processes are particularly unpromising as radical empowerment tools:

It is a mistake, I believe, to reduce participatory, deliberative democracy to citizen involvement in deliberative processes that government officials set up and promote, to work through policy agendas driven by the current configuration of social power and economic interests... If inclusive deliberative fora are used primarily by local governments to induce acceptance of the structural status quo, then they are a conservative tool, even when the government officials are liberal and well intentioned. (Fung, Young and Mansbridge 2004, 51)

While more measured, Young’s critique echoes that of the participation as tyranny school, in the sense that deliberation can be a tool of consent in formally-deployed contexts where a set of shared (potentially exclusionary) premises are the pretext for inclusion and discussion.

Institutional Design as Oxymoron: Critiques of Formal Participation as Institutional Practice

Evaluations of federal efforts to implement ambitious grassroots participatory programs in the United States emphasize unanticipated consequences and unforeseen factors of institutional implementation and practice that frustrate theorists’ and practitioners’ recurrent enthusiasm for grassroots participation in policymaking. Philip Selznick’s analysis of

methods of grassroots participation in the Tennessee Valley Authority describes cooptation occurring when the demands of a formal organization confront administrative imperatives.

Like Young, Selznick sees little promise in participation as a means to administrative goals:

Democracy in administration rests upon the idea of broadening participation. Let the citizen take a hand in the working of his government, give him a chance to help administer the programs of the positive state... It is easy enough for administrative imperatives which call for decentralization to be given a halo... But a critical analysis cannot overlook that pattern which simply transforms an unorganized citizenry into a reliable instrument for the achievement of administrative goals, and calls it "democracy." (1949, 220)

Selznick claims that the formal cooptation of grassroots voluntary associations in the TVA is not surprising given the Authority's top-down approach to engendering bottom-up participation: "The role of the TVA in this activity is perhaps best defined by recalling that it has felt the need to stimulate local interest in planning. Consequently, though the program may be required by objective community needs, it can hardly be said to have been a response to needs felt at the grass roots" (1949, 245).

Formally stimulated participation of this sort serves "underlying organizational needs" such as public relations, according to Selznick (1949, 246). Because the TVA was a federal agency requiring local support, "the grass-roots theory became a protective ideology" (Selznick 1949, 262). Important for this analysis is Selznick's conclusion that democratization is not impossible, but that truly inclusive power sharing often occurs informally.²⁵

On the one hand, the actual center of authority and decision may be shifted or made more inclusive, with or without any public recognition of the change; on the other hand, public responsibility for and participation in the exercise of authority may be shared with new elements, with or without the actual redistribution of power itself.... Cooptation which results in an actual sharing of power will tend to operate informally, and correlatively, cooptation

²⁵ Selznick's differentiation of informal but substantive power sharing and legitimization through formal power sharing will be particularly trenchant in the comparison of perceived outcomes between the East Coast cases versus the case in San Diego.

oriented toward legitimization or accessibility will tend to be effected through formal devices. (1949, 259-260)

Selznick's conclusions in regards to local power and democratic participation prefigure many of the criticisms above: oversimplification of informal power landscapes within communities and inattention to the methods by which participation is achieved:

It is essential to recognize that power in a community is distributed among those who can mobilize resources.. and these can effectively shape the character and role of governmental instrumentalities... it is naïve to suppose that there is anything inherently bad in the situation wherein private organizations paralleling but independent of a governmental administrative structure have a decisive influence on its social policy. Again, however, the situation is inherently ambiguous... The tendency of democratic participation to break down into administrative involvement requires continuous attention. This must be seen as part of the organizational problem of democracy and not as a matter of the morals or good will of administrative agents. (1949, 265)

Like growth machine theorists and resource management critics, Selznick claims that power landscapes within communities shape projects imposed by outsiders, although he claims cooptation is more an inherent organizational problem than a matter of administrative intent. Most importantly, his account of the role of formal organization brings early attention to the methods in which participation is achieved—and transformed—through institutional practice.

Evaluations of a famously disastrous later federal participation initiative, the Community Action Program of the Johnson administration's War on Poverty, similarly focus on the disconnect between ideological zeal (in this case, for "maximum feasible participation" of the poor as a mechanism of institutional change in local agencies) and the cold realities of cooptation in polarized local contexts. According to Matusow: "Men of good will, Johnsonian liberals were constrained to act within a political culture that imposed severe limits on the extent of permissible change. To accomplish social reform, they had to buy off vested interests and call it consensus" (1984, 270). While Moynihan has argued that "maximum feasible participation" was superficial public relations, Sidney Milkis relates that, although

Johnson recognized “the rhetorical power of democratic individualism,” he was engaging in a genuine attempt to reconcile the inherent tension between the demand for centralized administration in a welfare state and the disempowering effects of its accompanying bureaucracy (1993, 202). Milkis argues that Johnson was drawing on his New Deal-era experience managing the Texas National Youth Administration, in which participation had been put to successful use. Unrolling maximum feasible participation in hundreds of communities with activists well-organized from their participation in the Civil Rights movement and power elites loathe to cede control over federal dollars in fact created explosive unrest and little substantive change once mayors reasserted their control over the Community Action Programs. The cynicism such bungling prompted regarding federal involvement in local participation is only partly captured in Moynihan’s indictment of the Community Action Program as “maximum feasible misunderstanding” (1969).

Tracing a more successful federal adoption of participation, Wendy Espeland (2000) describes the unexpected democratization of decision-making within the Bureau of Reclamation following the passage of the National Environmental Policy Act (NEPA) of 1969. Espeland analyzes a case in which formal and informal institutional factors, rather than impeding democratic participation, actually served to democratize a highly-entrenched bureaucracy. Nevertheless, the particular form of participatory decision-making that resulted when a new class of experts within the organization used participatory decision-making to respond to NEPA produced a rational decision-making model that privileged interest groups. Despite its participatory ambitions, the model excluded those such as the Javapai whose values could not easily be incorporated into a framework where each groups’ concerns were accorded equal weight. More citizens were included in the decision-making process; nevertheless, the deployment of a participatory model that commensurated input in order to

make it useful to the institution (and, theoretically, more equitable) inadvertently privileged certain voices and groups over others.

The above researchers claim that formal organization and local political contexts affected the implementation of participation in different ways for different stakeholder groups. The common theme underlying these critiques revolves around the unique challenges of trying to implement a formal model of citizen participation from above. Development theorists Bastian and Luckham sum up these challenges of formal design:

There is a kind of hubris in the idea that constitutional experts, political scientists, donor agencies or even national decision makers can assure democracy or solve conflicts by designing institutions. Indeed institutional design is an apparent oxymoron. Institutions in the sense that many political thinkers use the term evolve, grow, become rooted or become ‘institutionalised’—the metaphors are organic—and are not designed. And where attempts are made to design them, history, ‘accident and force’ and political manipulation may turn them on their heads and produce perverse and unforeseen outcomes. (2003, 304)

Many factors can frustrate top-down design of participation. But place-based contingencies are not unmeasurable or unknowable—and it is also possible that they may reinforce rather than destabilize institutions. Fung acknowledges that “far from being the result of masterful design,” participatory institutions “arose haphazardly” in his own case studies (2003, 115). The foregoing criticisms urge a measured approach when accounting for both the shortcomings and advantages of participatory institutions, as they are inevitably products of their own circumstances. The following section describes how civil society and social movement literature can contribute to a better understanding of the ways in which formal participation efforts, however well-meaning, can transform and be transformed in process.

Participatory Form Does Not Predict Beneficial Outcomes: Civil Society and Social Movement Institutionalists' Attention to Contexts of Engagement

While not directly addressing the sorts of formal, state-centered participation efforts described above, critiques of the form and content of voluntary participation in the well-developed civil society and social movements literature provide a critical refraction point for the foregoing arguments on a much narrower form of participation and suggest further ramifications of the critiques above. In particular, the intersection of these literatures on participatory practice and political development is particularly germane to the institutional and cultural factors that might account for the striking heterogeneity of participatory institutions and outcomes in the U.S.

In contrast to Tocquevillean celebrations of civic engagement and social movement mobilization, researchers of social movement organizations and voluntary associations have begun to critique such analyses as acontextual and inattentive to the sorts of effects participatory strategies have within organizations on participants and on those such organizations exclude. Such analyses have begun to probe “the dark side of inclusive, participatory membership” (Clemens 2004, 332). In his account of the “golden age” of nineteenth century fraternal organizations, Jason Kaufman argues that these organizations produced widespread participation at the expense of systematic exclusion on the basis of ethnicity, race, and gender (2002). Organization building in this era became “an end in itself,” a system in which supposedly laudable ideals like “voluntarism, brotherhood, and mutual aid became bywords for segregation” (Kaufman 2002, 6). While much social movement literature has focused on the liberatory potential of participatory social movement organizations, Kathleen Blee documents galvanizing effects that consolidated racist ideologies and simultaneously disempowered women in the Klan in the 1920s (1991). In contrast to earlier debates in the literature regarding how much participation is appropriate or necessary for

democracy, these studies point out that the qualitative contexts of engagement in organizations matter.

In her study of participatory democracy in social movement organizations, Francesca Polletta emphasizes in a more optimistic vein how informal social relationships affect the participatory strategies and deliberative practices of social movement organizers, and how these strategies in turn can transform individual preferences. Rather than seeing participatory democracy as an unwieldy, inefficient ideological mechanism, Polletta asserts that organizers have purposefully appropriated certain strategies over others, which may be critical for movement beginnings but difficult to sustain as the group grows and changes its focus as a result of its deliberations. Cultural factors such as friendship and religious fellowship may prove strategically effective in serving certain organizational goals, but might hinder others, such as including new members.

Thus, Polletta argues that participatory democracy is not flawed as an organizational type (or range of types), but in its deployment and interpretation in particular contexts: “We must look deeper than the supposedly intrinsic conflict between democracy and efficacy to account for its liabilities” (2002, 3). While participatory democratic social movement organizations have faced tremendous obstacles to their survival, “participatory democrats have also been thwarted by their very understandings of equality and democracy and efficiency” (Polletta 2002, 3). Polletta’s account emphasizes the extent to which participatory ideals must be understood in the context of their interpretation and implementation over time in order to gauge their impact and effectiveness. Nevertheless, Polletta also argues that ignoring the “oppositional, disruptive, and sometimes downright *uncivil*” (emphasis hers) aspects of participatory democracy in social movements imperils “critical avenues of progressive change” (2002, 230). Polletta points out that this unruliness is something which advocates of the more formal, state-centered participation efforts I describe have “ignored altogether,

counting on the joint action of civil society and the state to bring about reform” (2002, 230). Such a criticism echoes Young and Mansbridge’s assertion that seeing participatory forms as mutually exclusive necessarily ignores their very different ends and the benefits of institutional heterogeneity.

Why is Formal Participation So Durable?: Grassroots Eco-Pastoral and Anxieties of Formlessness

Whether one understands the limits of formal, state-centered participation that EDD theorists propound as due to inherent flaws or structural and cultural constraints, the theorists and researchers in the previous section all offer critiques of the unquestioned celebration of participation in and of itself. In fact, given the extent of these pleas in a variety of fields to consider context and ends, and the accumulated evidence of failures and unintended consequences in state-sponsored participation, we are left with the evidence of an almost religious belief in the wonder-working power of participation on the part of theorists, researchers, policymakers, and state authorities. Why is formal participation so durable as ideology and practice?

Attempting to answer this question will not, in fact, help us to understand the contextual account of informal participatory strategies and varying deliberative etiquettes described in this dissertation—an account sustained by a dialogue with the critiques of participation raised above. It will, however, assist in explaining why the informal participatory strategies I propose as potential alternatives have not been given the critical attention lavished on the San Diego case of EPG. It should also suggest why researchers might want to reconsider this inattention to alternative strategies.

As Karpowitz and Mansbridge describe in their account of a participatory process that produced a “backlash of anger and frustration,” “the dream of unity dies hard” (2005, 247).

Since participation in the abstract has become an ideology of community empowerment, it is useful to examine parallel ideological themes and the tensions they seem to resolve. Whereas Leo Marx described the recurrent images of pastoral in popular literature as an attempt to reconcile conflicts between capitalism and individualism in nineteenth century America, Wendy Espeland describes institutionalized participation in her study of the Bureau of Reclamation as an attempt to resolve “tensions between bureaucracy and democracy” (2000, 1079). Like the cultivated garden of pastoral, in which human technology transforms untamed wilderness into a “middle landscape” of natural beauty and harmony, formal participation represents an appealing middle ground between the iron cage of administrative efficacy and the chaos of a democratic free-for-all. In their idealism and their promotion of a productive zone of self-fulfilling and regenerative social labor, deliberative democracy theorists are proposing less a “real utopia” than an eco-pastoral vision, wherein deliberative practice has become a “repository of value” similar to that described by Leo Marx.

While Erik Olin Wright (2003) proposes that we understand empowered deliberation in terms of utopia so that we may envision and aspire to, if not always reach, a participatory ideal, understanding empowered deliberation as eco-pastoral better elucidates the anxieties that underlie these aspirations—chiefly, apprehension that informal democratic process represents structureless, formless wilderness. Real utopia emphasizes empowered deliberation in contrast to the fallen state of current affairs, in which elite power in the form of local growth machines, powerful interest groups, and corrupt governments disenfranchises everyday citizens. But it also prevents consideration of potential alternatives to the state-centered democratic ideal it espouses—and thus obscures hidden assumptions about the tendencies of citizen interactions to revert to hierarchical states of nature.

These concerns about the slippery tendencies of informal organization are explicitly articulated in Jo Freeman’s essay on the “tyranny of structurelessness” (1972). In Freeman’s

critique of the women's liberation movement, she argues that "the idea of 'structurelessness' does not prevent the formation of informal structures, but only formal ones... Thus 'structurelessness' becomes a way of masking power... The rules of how decisions are made are known only to a few" (1972). Authentically democratic participation, for Freeman, can only be achieved through formal structure, since the alternative is covert, informal structure: "For everyone to have the opportunity to be involved in a given group and to participate in its activities, the structure must be explicit, not implicit. The rules of decision-making must be open and available to everyone, and this can only happen if they are formalized" (1972).

Empowered deliberation walks a fine line between proposing the possibility of state-centered change and impugning less structured social movement activity as uncivil and unproductive, as Polletta points out. As some of the critics above note, attempts to "formalize" can be just as much of a theatrical display and just as exclusive of those whose informal preferences do not accord with the norm as the informal alternative.²⁶ Transparency as a rationalization for formalization is not necessarily productive of more public-spirited discourse, as Naurin demonstrates. Freeman aptly proposes in her accounts of power imbalances in women's organizations that "structurelessness" is really informal, rather than formal, structure. Theorists' assumption that informal means can devolve into unpleasant and inequitable outcomes may in fact be substantiated in some cases—but given the critiques of formal participation above, it is evident that similarly inequitable outcomes can also be attributed to formal participation efforts as well. Most importantly, solutions based in state-centered governance privilege local, state, and federal governments with a stability and solidity they may not have—an assumption belied by regular executive turnover, limited or

²⁶ Polletta describes the fanatically organized note-taking in a women's group as a symbolic practice that was threatened when one member hand-wrote and drew illustrations for the minutes of a meeting, which had to be redone according to the tradition of the group, even though such notes were not used for any specific purpose (2002, 216).

cyclical time-frames for accomplishing legislative mandates, and internecine bureaucratic struggles over policy-making and administration.

How Might Informalization Contribute to Democracy?: Reclaiming Qualitative Contexts of Informal Participation

The widespread inattention among theorists to informally-structured participation as a result of its illegibility or fears of its devolution into intractable contention or oppression does not allow for a consideration of the possibility that, like formal participation, informal participation may be productive for accomplishing deliberative ends depending on the context of its implementation. Because most studies emphasize the ways in which informal strategies can destabilize participatory ideals, the remainder of this chapter briefly considers research that suggest ways in which informal participation might effectively contribute to democratic aims. I argue that, just as critics of formal participation suggest a more measured evaluation of its workings in particular contexts, so informal participation may need to be rehabilitated and reevaluated—not as a new ideal—but as a means of citizen engagement with qualitative results for democratic politics in particular contexts. In addition, I argue that this analysis must take place in the context of an analysis of the relationship of informal practices to formal participatory forms, and community perspectives on the political implications of this relationship.

Informal Networking and Deliberative Contexts in Elite Regimes

Consensus on the efficacy of informal strategies for deliberation is substantial, but literature on informal communication and networking as a companion to state-centered governance focuses almost exclusively on the extent to which informal settings are functional solely for elites. In fact, Stone sees informal arrangements as an inherent part of urban

governance: “An urban regime may thus be defined as the informal arrangements by which public bodies and private interests function together in order to be able to make and carry out governing decisions” (1989, 6). For Stone, informal communication and networking is essential to cooperation:

Because informal understandings and arrangements provide needed flexibility to cope with nonroutine matters, they facilitate cooperation to a degree that formally defined relationships do not. People who know one another, who have worked together in the past, who have shared in the achievement of a task, and who perhaps have experienced the same crisis are especially likely to develop tacit understandings. If they interact on a continuing basis, they can learn to trust one another and to expect dependability from one another. (1989, 4)

Such sustained interest in cooperation is precisely the goal of deliberative theorists, but informal regime activity is most often interpreted as inevitably directed towards an inequitable distribution of resources at the expense of broader public benefit and democratic ends; ruling class cohesiveness is cemented in private, informal settings like the Bohemian Grove at public expense (Domhoff 1974).

Informal Practices as Adaptive Democratic Mechanisms for Non-Elites

By contrast, Francesca Polletta has pursued the most thoroughgoing analysis of the instrumental use of informal practices in sustaining democracy through social movement organizations. Like Stone, she finds that informal relationships are highly effective as an adaptive, voluntary mechanism for stimulating engagement and cooperation: “Friends are unlikely to suspect each other of cutting corners or cutting deals, and their affection for each other makes the deliberative process tolerable, even pleasurable... The informal and voluntary character of the relationship also means that friends are used to working out the rules as they go along, in ways that best meet their individual and joint needs” (Polletta 2002, 153). In spite of these advantages, even Polletta finds that informal strategies can be self-limiting.

Friendship “carries implicit exclusions, hierarchies, and inequalities,” tendencies which often prevent “expanding the group and diversifying its membership” (2002, 174).

Evidence from the environmental planning literature supports Polletta’s claims that intimate, informal groups contribute to enthusiasm for cooperation, despite the fact that “living room meeting” strategies face substantial challenges of consolidating input and scaling up to the regional level (Gericke and Sullivan 1994; Gill 1996). When resource management theorists have examined regional semi-formal resource partnerships of the kind I am studying in the Seacoast and Lowcountry cases, they have been surprised at their accomplishments but skeptical of their ultimate staying power. In a case study of one such group, Katrina Korfmacher asks “What can coordination in the context of ecosystem management accomplish without independent funding, political commitment, broad citizen support, and official authority?”: “Ecosystem management theory suggests that it can accomplish little without these resources and structures. The Darby Partnerships suggests something else entirely: A loose organizational structure can contribute to voluntary efforts to improve ecosystem management that are not otherwise possible” (2000, 549). Nevertheless, Korfmacher asserts that while the Darby Partnership demonstrates that “loose coordination is not pointless,” “a stronger institution may be needed” (2000, 549).

Can Informality Be Institutionalized?

Many critics have noted that informality of the sort I explore in the dissertation is inherently difficult to institutionalize or expand beyond a limited group. Critics like Elisabeth Clemens argue that Polletta’s account of informal practices as effective in shaping social movement group origins does not mitigate the fact that “sometimes ‘national or regional organizations’ and large-scale mobilizations are precisely what are required to secure results in a large representative democracy” (2004, 328). Another challenge to the democratic

potential of informal communication and networking is suggested by Fishman (2004), who claims that, while informal relationships are essential to political mobilization, they are nevertheless rarely generated instrumentally and arise both within and outside of formal organizations. Despite the importance of intimate ties to expanding public discourse, institutional design of informality is not a solution to the problem: “Public rhetorics that engage or disengage their listeners often rest on microlevel patterns of social connection and conversation on the part of the leaders articulating those rhetorics... institutions alone cannot guarantee the quality of democracy’s public sphere of debate” (Fishman 2004, 171). How can the potential advantages in informal relationships and settings for dialogue be expanded beyond small group dynamics to community-wide deliberation? The analysis to follow explores how informal practices, despite—and in some instances, because of—their inherent limitations and resistance to incorporation in formal models, become important to larger processes.

Proposing a New Investigation of the Relationship of Formal Process and Informal Practice

Neither formal nor informal participation should be privileged as more or less authentic as abstract forms, but perceptions of how authentic either form is or how permeated one is by the other become critical in varying contexts, and not necessarily with the results that proponents of formal participation suggest. Just as William Cronon (1995) drew on Marx to propose “the trouble with wilderness” (that wildernesses were constructed spaces as socially-managed as cities, and environmentalism suffered by sustaining this imagined dichotomy), so theorists of participation should be aware of the ramifications of their idealization of particular forms of social interaction as repositories of separate, unique, and hallowed values.

Democracy, like nature, permeates human interactions in more and less visible degrees.

Participation is in need of qualitative investigation in particular contexts—not as an end, or a

means, or, as many of those arguing for a reconsideration of informal strategies suggest, as a variety of coexisting and largely unrelated, but complementary forms. Instead, I explore the relationship of informal practices to formal processes of community decision-making by investigating the extent to which stakeholders interpret formal and informal elements of engagement as mutually reinforcing, contaminating, or working against each other. How, then, do informal practices of participation and civic engagement relate to the formal mechanisms of inclusion, transparency, and consensus-building prescribed by researchers? How do discussions about these relationships inform community engagement and democratic process within formal spaces?

CHAPTER THREE

SAN DIEGO'S MULTIPLE SPECIES CONSERVATION PROGRAM WORKING GROUP: EMPOWERED PARTICIPATORY GOVERNANCE IN ACTION

Introduction

This chapter undertakes an in-depth analysis of San Diego's Multiple Species Conservation Program (MSCP) as a working model of empowered participatory governance. As discussed earlier, the San Diego MSCP has been studied extensively by researchers because of its status as a "test case" for the participatory promise of habitat conservation planning (HCP), and the comprehensiveness of its efforts at inclusion—extreme even by HCP standards (Thomas 2001). The analysis in this chapter addresses the character and complexities of three aspects of the planning process undertaken in San Diego in the early 1990s, as perceived by my interviewees: how the process included stakeholders, how the process embodied principles of transparent deliberations and good governance, and whether the process produced consensus-building and social capital within the larger community over the long term.

The central question guiding the analysis of each of these aspects is: Does the formal structuring of participation actually promote perceptions of open-ended deliberation and substantive power-sharing in the local political landscape? By understanding how decision-makers engineered inclusion, authority, and authenticity within the process, we can get a much better sense of how particular groups and individuals responded to and viewed the process in the ways that they did. Why did certain players give up or choose to avoid the MSCP process altogether? In turn, understanding stakeholders' perceptions of the role of the new process within existing political contexts assists in understanding both the victories and failures of the MSCP. How was the new forum situated within (or against) pre-existing modes of contention?

I conclude in this chapter that while the MSCP made great gains in reinventing land use politics in San Diego, the way in which the process privileged formal inclusion and procedural legitimacy advantaged new stakeholding groups and local input over more established membership organizations and national interest groups. While the deliberative process was public and open-ended, this did not stop those who had opted out and even some who had participated from suspecting that important decisions were made behind the scenes or in other political venues. Mutual consensus and substantive agreements were achieved within the process, but were experienced differently by different stakeholders. Some were exhausted by countervailing backstage pressures for consensus and resistance. Years after the plan was finalized, decisions continued to be contested by participating groups. Later habitat conservation planning efforts quietly jettisoned the working group format. The ultimate withering of empowered participatory governance in San Diego is related to the central paradox of its creation: the MSCP changed the rules of the development game in San Diego, but it did not challenge the game itself. While intended to open up and level the field for diverse players, the MSCP created a new space in which stakeholders competed for legitimacy within the process, among their constituents, and in the larger community. Ongoing deliberation benefited a small cadre of regional professionals, officials, and organizational entrepreneurs who had the capacity and endurance to stay the course over the long term. The maximally comprehensive and participatory format of the MSCP intentionally precluded discussion of alternative forms of engagement and those outside the deliberations—but these were very much in the minds of participating stakeholders.

In Chapters Four and Five, I compare the San Diego case to examples that limited participation and inclusion in order to question the linking of formal engagement models with abstract democratic ideals. The analysis of engagement which follows in this chapter understands the participation in the MSCP process—the inclusion and exclusion of

participants and the stories about whether this was appropriate or not—as actively constructed by leaders and participants on an ongoing basis. I am not examining the content of deliberations of the decision-making body and the compromises they drew up, since this has been extensively studied elsewhere (Hogan 2003; Rolfe 2000) and is outside the bounds of this dissertation. However, a brief introduction to the beginnings of the MSCP allows for a better understanding of how the MSCP was situated in the San Diego community.

A New Model for Local Politics: From Litigation to Collaboration in the MSCP Working Group

The idea for the MSCP entailed a bold new break from development politics as usual in southern California. Developers and environmentalists traditionally faced off on each new housing or commercial project using the tools at their disposal, and environmentalists had a powerful weapon in the regulatory muscle of the Endangered Species Act (ESA) and the California Endangered Species Act (CESA), especially since the western U.S. in general and southern California in particular are notoriously rich in endangered species. A project would be proposed, and litigation would begin over the mitigations developers would have to perform in order to account for the endangered species habitat their project would compromise. While the regulations could force costly concessions and modify or halt some projects, they have been ineffective at stemming large-scale species decline or encouraging much recovery.²⁷ In San Diego, developers often destroyed prime riparian habitat for river-view golf courses, but were allowed to mitigate the impacts of these projects with marginal land of far less habitat value.²⁸ As knowledge of the importance of biodiversity and habitat connectivity developed in the last twenty-five years, the idea of saving a particular species by

²⁷ This is up for some debate, as the limited success of the ESA is often used by opponents, notably Representative Richard Pombo of California, as a reason to abandon the ESA altogether. Those who argue for the success of the ESA point out the extremely-long time horizons of species recovery.

²⁸ For definitions of mitigation and other conservation-related terms, refer to the glossary.

preserving an “island” of habitat came to seem increasingly wrong-headed from a biological standpoint. In addition, the tactic of stalling projects over a period of years while ESA suits wended their way through the court system was costly for environmentalists and developers. Listing of endangered species became highly politicized acts in California for both the state and federal agencies.

Motivation to change the way land development proceeded did not come from developers or environmentalists at the local level, who had gotten used to managing the strategic negotiation afforded within the litigation process. While the process was extremely costly, it was also familiar—and so much was at stake that risking a change would be difficult. Despite the fact that the MSCP was intended to diminish the role of the federal government in land use planning in San Diego, the actual impetus for the MSCP came from a variety of bipartisan but decidedly non-local regulatory and corporate sources through an iterative process intended to improve endangered species policy effectiveness. At the federal level, the Interior Department under Bruce Babbitt was looking for ways to promote comprehensive habitat planning as an alternative to time-consuming and costly regulatory processes occurring on a tract-by-tract and species-by-species basis (Merrick 1998; Pollak 2001).

The promotion of more comprehensive planning in order to preserve habitat of sufficient quality and size for a functioning ecosystem was a response to developing science on habitat connectivity, but the choice of San Diego as an early place to try out multiple species planning was the result of the impending listing of one particular species. At the state level, a large housing developer based in southern California had promoted statewide legislation (Natural Communities Conservation Planning, or NCCP) similar to the habitat conservation plan exemption at the national level, and promoted the MSCP regionally through a newly formed advocacy group of major developers called the “Habitat Conservation

Coalition,” or HCC.²⁹ The developer was chiefly alarmed about the pending listing of a threatened bird species called the California gnatcatcher. Regulatory protection of California gnatcatcher habitat meant very expensive setbacks for development in southern California, as its habitat covered a wide swath of desirable and developable unbuilt land in the region (Hogan 2003).

San Diego planners and officials welcomed the infusions of outside money and assistance for acting as a conservation plan “test case” and were eager to try out the new plan, particularly as they were facing a mandate to do a comprehensive environmental assessment and watershed planning effort as part of a Clean Water Act judgment against the city (Interview with county planner, January 2004). The new MSCP regime seemed promising to local parties but was uncertain territory for environmentalists, planners, and developers used to engaging in contention on individual development projects. If the habitat conservation plan worked, it would mean prioritizing the most important lands and setting them aside permanently as habitat, and letting the rest be developed and mitigated in a predetermined manner without controversy from the environmentalists, rather than having constant standoffs on each new development or road project that came down the planning pipeline. As Allen Hunley, Babbitt’s chief assistant on the MSCP plan, describes, the MSCP “really carved out the role nationally of being a leader on approaching these environmental challenges in a different and bold way” (Interview with author, March 2004). While other counties interpreted HCP and NCCP legislation as enabling modestly-scaled, private negotiations between select developers, environmentalists, and state wildlife officials (Hogan 2003, 100)—and ultimately faced criticisms for the conspiratorial tinge of these dealings, San Diego

²⁹ This name is a pseudonym. As explained on p. 28, most local and regional organizations are referred to generically or with pseudonyms. When first introduced, a pseudonymous name is indicated by quotes.

officials were far more receptive to federal encouragement to try a new model that would embrace participation on a broader scale.

The MSCP Working Group was chartered in 1991 and chaired by a deputy of San Diego Mayor Susan Golding, with a representative from the developers' Habitat Conservation Coalition who was also a biologist serving as co-chair. Deliberations over the four plan alternatives offered by the environmental consultant lasted seven years, and produced a 278-page document, which has served as a template for development permitting and conservation acquisitions since the agreement was formally adopted by the city, county, and state and federal wildlife agencies in 1997. The MSCP provided that approximately 30,000 acres would be acquired for public conservation at an estimated cost of 262 to 360 million dollars, half of which would be acquired by federal and state governments and half of which would be acquired by the local jurisdictions (Pollak 2001, 46). On October 24, 2002, public officials and Working Group participants celebrated the fifth anniversary of the MSCP with an outdoor party and the debut of the MSCP portal website, designed to educate San Diego residents and decision-makers about the plan. By June of 2005, the city's annual MSCP report described progress in following through on the plan. Approximately 9,000 acres had been developed while 12,000 acres had been conserved, a figure that represented 41.2% of the goal of conserving 30,000 new acres through the plan (Greer 2005). For the four "priority target acquisition areas" identified within the MSCP, planners reported that 48.1% of their 4,700 acre goal had been conserved (2005).

While the deliberations of the Working Group took seven years, the streamlined development following the MSCP was anticipated to save from one to seven years in the development permitting process (City of San Diego 1998). In the years since the Working Group was formed, habitat conservation planning has become a first resort sought by developers and western communities attempting to avoid ESA regulation or plan more

sensibly in environmentally sensitive regions from Texas to California (Anderson and Yaffee 1998; Beatley 1994; Koontz 2004). This current vogue for HCPs should not diminish an understanding of how unusual the MSCP process was at its inception in the early 1990s. San Diego's Multiple Species Conservation Plan was seen by the media, its promoters, and even its critics as an exciting and new, but uncertain and untested reinvention of local land use politics (Kaye 1997; Rolfe 2000; Thomas 2001).

Engineering Empowered Participatory Governance: MSCP Ideals in Action

In order to negotiate binding agreements on which lands would be set aside and which would be developed, developers and environmentalists would have to sit at the planning table together, and the Working Group brought together twenty-nine representatives from public wildlife agencies, local jurisdictions, environmental groups, builders industry groups, individual development companies, the regional association of governments, the transportation and water districts, the local energy company, and hired environmental and financial consultants. This was a much larger planning table than most participants were used to, but broke down along lines typical for environmental decision-making: fourteen of the representatives were government officials, eight were business leaders, and seven were environmentalists (Davis 2003b) (see Appendix One for the list of official participants). Since the organizers were forming the Working Group essentially from scratch, invitations were extended to those stakeholders they believed would need to be involved, with some initially-excluded stakeholder groups lobbying for inclusion and being incorporated into the group after its initial formation. Excluded were the Environmental Protection Agency (EPA) and the Army Corps of Engineers, an oversight that many regretted later when they realized that the guarantees in the comprehensive plan resulting from the MSCP could potentially have also

focused on wetlands and thus included exemptions from Clean Water Act permitting from these agencies (Merrick 1998; Pollak 2001, 28).

Despite these accidental exclusions, the Working Group table was very large, which is typical of San Diego planning efforts. As the sixth largest city in the country, San Diego has many interest groups that regularly contribute to public dialogues on planning, including the General Plan 2020 and other county and city planning efforts that take great pains to involve as many stakeholders as possible. Because of the decision-making power granted to the Working Group, participation involved far more substantive engagement than the usual episodic input in public comment periods and hearings. Deciding to participate involved committing oneself and one's group to a long, time-consuming series of meetings. As the following section shows, this decision was not made lightly. However, the decision-making power that the group was entrusted with had another effect on the sorts of stakeholders it was able to attract, since most of the regular players in San Diego politics had to be involved at some level if they wanted a say in the future of development in San Diego.

The stakes were such that many stakeholders formed new groups specifically dedicated to working on habitat conservation planning, such as the Habitat Conservation Coalition described above, and "Habitat Action Now," an environmental group organized by a county planning commissioner and a retired physician involved in regional planning efforts (Rolfe 2000). Those who were already involved in substantive long-term planning efforts for the county or the city were suddenly presented with a new arena for decision-making that could potentially affect their ongoing efforts in other planning forums. As a result, the MSCP Working Group, while creating some new interest groups and bringing some parties directly into contact with each other for the purpose of consensus-building for the first time, largely mimicked the regular power politics of San Diego: county versus city, city versus city, recreational environmental groups and wildlife groups versus environmental activists,

environmentalists versus developers, and property rights groups versus the agencies and local governments.

Despite its flaws, members were proud of the hard work the stakeholders did to sign on to the program for deliberation and to be part of a progressive new program that was not without incredible stress for participants. Iris Greene, a biologist working for an environmental consulting firm, reports in hindsight on the seven-year process:

In 1991, that was just really a new notion, and it was hard for developers to agree to. It was very contentious, and it was really a stressful time for a lot of people in San Diego. But what came out of that really was an incredible partnership of developers, environmental groups, different federal, state, and local agencies, and not as many cities as probably would have liked to have been involved. But it was a partnership that realized that land use planning is going to be different from now on and these are the partners that have to be involved. (Interview with author, January 2004)

As Greene indicates, the newly-minted “partners” realized that, regardless of their feelings for other participants, the other stakeholders had to be involved in order to give their decisions the greatest scope and legitimacy possible.

Formal Inclusion in the MSCP: Procedural Legitimacy versus Organizational Legitimacy

The more groups that participated in developing the final agreement, the more the agreement could be presumed to reflect the diversity of concerns within the larger San Diego community. Because the San Diego process was public, concerns about procedural legitimacy favored inclusion, regardless of organizational tenure or community standing—a factor that ironically prevented some categories of established organizations from participating. Newer groups oriented towards habitat conservation planning alone had far less to lose and more to gain within the process. More established multi-issue interest groups with broader and deeper memberships were far more skeptical about signing on. Although formal participation involved more groups in the MSCP, groups with “broad and deep” membership of the sort

favored by sociologists of civic engagement were actually less likely to participate because the stakes of joining a formal process were so much higher. As we will see in the more informalized cases in Chapters Five and Six, decisions about inclusion in these cases made the opposite tradeoff, and favored organizational legitimacy over procedural legitimacy. New groups in those cases that could raise their profiles by participating in the process were excluded or allowed much more limited roles. The tradeoff chosen in the San Diego case had ramifications for stakeholder interest in participation, and later on, in perceptions of transparency and consensus-building.

For professionals in the new organizations formed to participate in the MSCP, formal participation would yield substantial gains for the interests they represented (HCP-friendly environmentalists and large developers), for their own organizations' standing in the region, and for their own personal legitimacy as players in local decision-making. To the extent that Habitat Action Now was staffed by two professionals already deeply involved in planning and that developers' interests were already represented on the Working Group by representatives of three development corporations and the building industry association, there was a clear benefit for formal recognition as a new interest group within the MSCP. Habitat Action Now became the leader of the environmental groups at the MSCP table, despite the fact that it was a small, regional group run by two and later three main staff people, each of whom also served as members of the board of directors. HAN currently allows members, but membership is free and involves receiving periodic email newsletters—very much what Skocpol and others have criticized in terms of the passive methods of engagement used by contemporary advocacy groups. Habitat Action Now's shallow membership was matched by its lack of tenure in the local environmental community, and HAN made no claims to represent “local” interests as it was organized to work on NCCP processes all over southern California. By contrast, the countywide chapter of the Sierra Club has two separate singles groups, with paid membership

in the hundreds and fifty activities a month hosted and organized by individual members (Nolff 2004)—hardly the “mail a check” version of group engagement that Skocpol sees as the predominant modus operandi of contemporary advocacy groups.³⁰ Nevertheless, national chapter organizations with more engaged memberships had equal or lesser representation within the Working Group than emerging organizations like HAN and HCC.

Leaders of HAN and HCC reaped payoffs through the process in the form of multiple commendations and recognition as leaders in the burgeoning field of habitat conservation planning in the region, assuring these groups roles as dependable participants in future HCPs. In establishing his credentials as a “leader and facilitator of regional conservation activities” and his company’s “poster child” status in regional conservation, one developer who served on the Working Group as a representative of the Habitat Conservation Coalition lists his awards in testimony before the House Resources Committee:

In 1998, I was awarded a Certificate of Appreciation from Secretary of the Interior Bruce Babbitt for our contributions to the San Diego County MSCP. In 1999, I received a Certificate of Special Congressional Recognition from Congressman Brian Bilbray again for our environmental contributions. Also in 1999, I received a California State Senate Certificate of Recognition from Senator David Kelley related to our receipt of a Peacemaker Award from the San Diego Mediation Center. (Committee on Resources 1999)

The two founders of Habitat Action Now list similar organizational credentials (“a regional leader in conservation and growth management”), and similar awards: the David Gaines Award from the Planning and Conservation League, the American Planning Association California Chapter Outstanding Distinguished Leadership Layperson Award, State Planning Commissioner of the Year, the San Diego Mediation Center’s Peacemaker Award, and the

³⁰ Activities and outings for all sections of this chapter (family groups, regional groups, etc.) number about a thousand per year. Since environmental groups are an example of associations that have increased membership in the post-war period, Skocpol explains that if these groups are not reliant on recruitment through direct-mail, their chapters are nevertheless “not as numerous or thick on the ground as chapters of classical membership federations” (2003, 162). Skocpol’s reliance on quantitative analysis in the text makes this claim about the quality of chapter “thickness” flimsy. This huge county-wide chapter could be counted as a single chapter, but this would neglect the extent to which the chapter has neighborhood-specific activities and is composed of multiple sub-regional groups.

national Alexander Calder Prize for business-conservation partnerships from International Paper and the Conservation Fund.³¹

For more established groups already recognized in the community, having one's name associated with an uncertain final product caused anxieties, especially for those used to the pitched battles of the past. Because of these trepidations about retaining integrity within the process, signing on developers and environmental groups was a slow and difficult process for Jeffrey Ecker, a county planning official in charge of the MSCP: "There were other people that were there on the building side that were willing to see this as something that would have benefits for them if it was successful even though they wanted to negotiate the best deal possible" (Interview with author, January 2004). Ecker notes that environmentalists were just as nervous as developers about changing the status quo and foregoing the usual ESA litigation model:

There were some environmental people on the environmental side, that were also willing to do that, which was, that was probably equally as hard as the building side because a lot of the environmental folks, not to mention any names, but they're really comfortable with a situation where you're dealing with things on a permit by permit basis that you go after and you can use the legal, the legislation to file suits to block things versus working and putting one of these big packages together that then give surety to everybody. They're really anxious about that, particularly if the science isn't perfect. And so finding environmental people that were willing to take a leap of faith and try to negotiate the best deal on their side was also hard. (Interview with author, January 2004)

Environmental groups with lower profiles welcomed the chance to be brought to the negotiating table despite their skepticism, because they sensed that this was an opportunity to be formally acknowledged. Virginia Reade, the executive director of the "Birders' League of San Diego," says the most important factor for her in terms of joining the MSCP was the chance to gain official recognition for the input of her group: "It has to be formalized, otherwise, you have no leverage; the more formal a role, the better off you are... It's much

³¹ Habitat Action Now website, 2003.

better to get in the process earlier if possible” (Interview with author, March 2004). As stated earlier, foregoing formal participation in the Working Group usually meant foregoing participation in decision-making for a spot on the sidelines. While the county held public meetings on the MSCP and ventured out to discuss the project and the planning process with powerful interest groups like the Farm Bureau, there was no explicitly formulated process for the comments from these meetings to make their way into the formal plan.

Developers and local environmental groups were not the only ones with misgivings about joining the program. Jeffrey Ecker, the former county planning director, describes how a national wildlife organization, despite being far more involved than any of the other national environmental advocacy organizations, still could not figure out how to engage in the process while preserving integrity among members:

[The national wildlife group] tried to get involved, but they never really were successful. It was partly they weren’t quite sure what their role was. Should they be an advocate and keep very clean or did they want to get involved and be a little closer with people, you know? That’s kind of the choice that a lot of the groups have to make, you know, they can stay outside and be pure or they can jump in and get a little bit of mud on them, you know? (Interview with author, January 2004)

As Ecker describes, the “all or nothing” character of participation warded off those who wanted to be involved but did not think it was appropriate to their mission to become embroiled in local deal-making. Even though the process was intended to be consensus-based, potential participants were highly aware that the deliberations that occurred in the MSCP were likely to be viewed as negotiations by those watching from the outside. National groups were also sensitive to being perceived as intruding in San Diego politics. According to Ben Lowry, conservation director of the Nature Conservancy, backstage financing work was more appropriate for his group than a public role in deliberations: “TNC kind of hangs out of it. And rightfully so, TNC shouldn’t do it... If I were to have my druthers I’d rather have TNC

go get the money and someone else take credit for it because a lot of it should be local”

(Interview with author, March 2004).

Many of the most professionalized national environmental organizations stayed away from the deliberations that occurred in the MSCP. For the national wildlife group that had just opened a regional office in San Diego, this was a result of ambiguity about how they could become involved without compromising their mission or stepping on local toes—although the organization was clearly interested in the process and later funded a national research project through the University of Michigan specifically focused on how to improve public participation in habitat conservation planning (Anderson and Yaffee 1998). Other national groups devoted to general environmental protection were not solicited for participation in the MSCP because they simply had limited investment in San Diego or southern California and had little representation on the ground in the area. Such organizations kept up with the goings on of the MSCP and viewed the MSCP as important to the future of habitat conservation in other regions, but saw little role for themselves in the local negotiations.

Large national conservation groups like TNC had entered the San Diego region only in the 1990s, and did not have longstanding presence in the political landscape or in the area as a whole. In part, this was because land values in southern California were so high that before the 1990s, these groups had been wary of purchasing conservation lands in the region since their money could go so much further acreage-wise elsewhere.³² Participation in community-wide deliberations about species habitat was not an especially compelling route to land acquisition for an organization more accustomed to playing a role as rainmaker or information source for planners and local conservation organizations. These national groups

³² Part of the rationale for this change was derived from the move by the Nature Conservancy and other national conservation organizations in the 1990s to strategic mapping, which involves prioritizing values like biodiversity in conjunction with more typical aspects of priority like ownership patterns and connectivity. San Diego’s extremely high biodiversity thus began to compensate in the later 1990s for its highly fragmented landscape and stratospheric real estate values.

were not induced by the lure of deliberation with local landowners, developers, and officials with whom they had regular contact anyway by virtue of the power and money their organization wielded. Although these organizations did play limited roles consulting on financing for the MSCP, they were far more comfortable operating in the streamlined Orange County NCCP negotiations, where “big capital and big environmental social-movement organizations were able to cooperate” (Hogan 2003, 100).

In sum, for most local groups (excepting the less moderate environmentalists and property rights groups), the promise of gaining a formal say in the future of the region and the risk of being left out ended up being compelling enough to motivate their initial participation in the Working Group. Despite the innovative new deliberative roles that the MSCP required of its participants, the existing field of land use politics in San Diego was familiar enough to stakeholders at the national or state level that most were unwilling to believe that a change was probable, and perceived the ongoing deliberations in the context of forced deal-making rather than voluntary deliberation. National environmental organizations consistently avoided participating in the MSCP, and their skepticism of the MSCP caused considerable friction with their local chapter organizations that did choose to participate, as discussed later in this chapter.

Exceptions to a full participation commitment were made by the planning staff such that important stakeholding groups that were represented by volunteers with other jobs could participate in more limited form. Angela Bernstein, the conservation chair of a local native plants group, describes their involvement: “We didn’t go to the day to day MSCP meetings, because we don’t have the staff to do that, but we did attend other meetings trying to work out what the final plan was going to be” (Interview with author, January 2004). One affected landowner who regularly attended meetings on her family’s behalf noted “It was irritating to look around and see all these people who were getting paid to do this, especially when their

decisions affect our land and a lot of other people. To participate and protect our interests took all of our spare time, evenings, and weekends” (Anderson and Yaffee 1998). Even when lower-capacity stakeholders participated in a more limited fashion than Working Group members, their sacrifices and investments of unpaid time were much greater, a factor that made these stakeholders less likely to build trust with other groups in the process or endorse the consensus. Participating could heighten these stakeholders’ perceptions of difference, as in the landowner’s case. Bernstein notes her own refusal to negotiate on the terms that other environmental stakeholders were willing to: “Habitat Action Now is pretty successful because they’re willing to negotiate things away in my perspective. I personally cannot do that” (Interview with author, January 2004). Groups that wanted more fluid roles or escape clauses tended to reject full engagement in the process because they perceived the deliberation as likely to descend into bare-knuckle negotiations.

Predictably, some local and regional environmental activist groups refused to participate officially in what they interpreted as untenable compromises or land giveaways. For those who questioned the necessity of growth in San Diego, the MSCP and its orientation towards managing or balancing growth interests was the wrong approach from the start. But groups that opted out still played an indirect role in the MSCP deliberations. Representatives of groups committed to litigation, such as a multi-state group that litigated on behalf of endangered species, attended Working Group meetings, monitored the proceedings closely, and publicized their opinions on the MSCP in the local press. Virginia Reade from the Birders’ League saw less moderate environmental groups with no formal role as actually giving leverage to more moderate environmental groups inside the process: “On the pragmatism to the idealism scale, it’s a common story, we need the people way out there throwing stones to put pressure on” (Interview with author, March 2004). Rather than replacing the adversarial model of interest group contention, decision-making in the MSCP

process for Reade seemed to reflect David Pellow's insight (1999) that consensus-based and conflict-based tactics may actually be complementary in certain contexts. Deliberative democracy theorist Craig Thomas notes that litigious practices by environmental groups were part of what brought groups to the table in the first place, so "forum-shopping is an inherent part of the process" (2003, 163).

As stated earlier, San Diego has a reputation for being a participatory city,³³ and San Diego officials and planners tend to make use of innovative mechanisms in order for citizens to speak their minds. Recently, web-based community dialogues similar to those used for the Ground Zero site have been tested in San Diego (Ristine 2005). Nevertheless, San Diego also has a reputation for difficulty integrating public input into planning and implementation (Louv 2005; Troutman 2004). Many participants in repeated planning processes complain that speaking in public sessions is pointless since they do not feel listened to and substantive planning decisions are clearly happening behind the scenes long before public input is solicited (Lee 2005). This frustration (and anticipation of exclusion) does not go unexpressed; Jeffrey Ecker compares a later meeting of farmers to one at the beginning of the process: "I went out there to the same room, and there were even some of the same people in the same room, and I felt lucky to leave with my head!" (Interview with author, February 2004). Since there was no explicit process to integrate the comments from public meetings into the MSCP plan, initially "much of the public wonder[ed] if their voices were heard" (Merrick 1998). Participating in the Working Group was, in this sense, a privileged spot for those who opted to join the discussion. One representative from the environmental community reported that

³³ San Diego is the home of numerous efforts to increase public education and collaboration on civic issues, including UCSD's own Civic Collaborative and Regional Workbench; Envision San Diego, sponsored by San Diego State University, the local public media corporation, and the local newspaper; San Diego Dialogue, a cross-border collaborative group; and Viewpoint Learning, Collaborative Services, and CityWorks, nationally-recognized private consultants specializing in facilitating public participation and deliberation.

membership in the Working Group meant planners and officials were more attentive to their concerns, even if they were not integrated into the final plan: “There was a lot of listening to us. They really heard our opinions. They knew exactly what our problems were” (Pollak 2001, 19). For those who found the terms of participation unacceptable, the deliberations were watched closely for signs that their initial skepticism was not unfounded.

Despite the claims of EDD theorists that citizen participation in Habitat Conservation Planning is understandably limited because the complex environmental decision-making in HCPs requires too much time and sophisticated expertise for nonprofessionals (Cohen and Rogers 2003, 245; Thomas 2003, 166), many interest group volunteers and professionals in San Diego who opted out of participation had advanced degrees in relevant biological fields and had published articles and books on ecology and planning in the San Diego region (Daniels 2003; Pryde 2005). As a sunbelt city boasting some of the most outstanding bird biodiversity in the country, San Diego has a deep reserve of hundreds of passionate birder retirees who were successfully marshaled as field biologists to contribute to a multi-year bird atlas project that provided data to the MSCP (Unitt 2004). Not least, local environmental membership organizations had conservation committees and members willing to pore over planning documents in public libraries long before the advent of internet dissemination of these documents (Sandra Leath, interview with author, January 2004). San Diego was not lacking in citizen organization, capacity, or interest to get involved. But a formal participation process that erred on the side of inclusion of new groups infuriated existing environmentalists who saw such groups as inauthentic local players. The perspective of a retired Ph.D. plant ecologist specializing in vernal pools is typical of those who lampooned the redistribution of power in the environmental community that emerged after the late 1980s: “the conservation community is nearly unrecognizable. Money has corrupted the conservation movement... because its members often work for businesses contributing to the problem” (Daniels 2003).

The director of a natural reserve system at the local university claims “it was a bunch of inept people” (Davis 2003b).

Stakeholders that had the capacity and interest chose not to participate in the MSCP Working Group, contradicting the claims of deliberative proponents that inclusive ideals, when not achieved, are typically frustrated by apathy or capacity limitations. Planners did find participants willing to partake in a collaborative process and representing both environmental and development interests, but these were not necessarily those stakeholders that represented diverse or especially large constituencies in the larger community. In fact, formal opportunities for participation changed the larger landscape of conservation and development interests in the San Diego region, empowering moderates and groups with less standing through their participation, as deliberative proponents might applaud. Nevertheless, the choice to participate (and by default, associate with other participants) was interpreted by local groups as ideologically fraught and controversial, and these outcomes came at the expense of groups social scientists favor as having more diverse and substantively-engaged lay memberships. In a political environment that a federal agency observer called “very difficult and highly charged” (Davis 2003b), formal participation as an inclusionary ideal was not roundly celebrated. Neither was the loss of formal participation bemoaned later on.

Most discouraging for those who see the MSCP as a flawed, but promising starting point for empowered participatory governance, Jeffrey Ecker confesses that in subsequent HCP processes involving the county, the board of supervisors has advised county officials to avoid instituting official Working Groups with the power to deliberate— and possibly deadlock:

We did not—at the direction of our board and this is something that we were just told by the board members—they didn’t want to have an ongoing stakeholder group. Instead what they told us they wanted us to do—and we did a lot of this in South County [the MSCP] but we also had ongoing groups as well—they usually ended up, you know, if they’re evenly divided, they’d

end up with a 5-5 vote and couldn't do anything. [Laughs] (Interview with author, February 2004)

Instead, the board advised that the county planners move back to a consultative model where the planners could deal with gatherings of common stakeholding interests like environmentalists on their own turf:

Jeffrey Ecker: They [the board] said you go out and do ad hoc...

CL: Charettes?

Jeffrey Ecker: Yeah, kind of what we were doing yesterday [a friendly informational meeting with the local farm bureau]. We have a group of people that we know are interested, some are environmental groups. [The new head planner] has brought them together two or three times and we have them develop a group and we go around to the planning groups and you might have a whole mix of different types of people there. So we're trying to do it that way rather than have a formal set of folks that are at the table, and I think it's working but we'll find out at the end of the day. (Interview with author, February 2004)

Jeffrey's comments about the amount of diversity present in these smaller forums is instructive, particularly when considered in terms of the discussion of forum-shopping above. At a large table of environmentalists and developers, compromise might be encouraged by the sense of developers that it may be to their advantage to deliberate with more moderate environmental groups in order to be able to respond to the critiques of less moderate groups. However, when the environmental groups are brought together voluntarily, their diversity might serve to work against them since they are unable—occasionally even within a single organization—to formulate a strong consensus for planners to implement. Ecker's hesitancy regarding the success of the new (back to the old) approach is particularly instructive given his long experience in the planning community, which generally has sustained many criticisms from San Diegans on the fairness of participatory institutions themselves. While this is a popular area for contention, the changes in the approaches to habitat conservation planning

have not provoked as much uproar as one might expect from groups that had finally gained a role at the decision-making table.

The appreciation of locals for the ability to participate and remain informed at all may have superseded concerns about how participation occurs—or this may point to the fact that the MSCP has finally been successful in creating trust in planners' professional abilities to implement input from all sides. Perhaps the withdrawal from deliberative models indicates that arguments over how participation should take place and how locals should be kept informed have been preempted by contention over the substance and implementation of land use plans. Sandra Leath, a local Sierra Club chapter volunteer, who had been involved in the original and one later habitat planning process, discusses her perspective on the importance of participation in both plans: “The... thing I liked about [the MSCP] was the public participation. We had full public participation with both of those plans that I worked on. The North County Subarea Plan, it's very good public participation and they give us annual reports about what's going on. You have a public annual report” (Interview with author, January 2004). Deliberative elements of participation have been replaced once again with consultative models in San Diego, but some participants, particularly those volunteers for whom even partial engagement in deliberation was difficult and draining, have not resisted this limiting of their power. The experience in the MSCP put old solutions in a new light—by increasing respect for the difficulties facing planners in their decision-making, and by demonstrating that the usual suspects are consistently involved by virtue of their greater capacity for “perpetual participation.”

Despite deliberative proponents' emphasis on improving formal participation methods, it is highly unlikely that any state-centered collaborative process that was open to developers could have gained the participation of many less moderate (but by no means extreme) environmental groups. In fact, it is likely that the newness of the process actually

caused more stakeholding groups to participate than would become the norm once the outcomes of HCPs as alternatives to litigation were better known. Many had participated either because they felt compelled to come to the table in order to have any say in decision-making, or because they hoped that the process might produce marginally better outcomes than doing nothing (Davis 2003b). Nevertheless, as Walker and Hurley have argued (2004), deliberative researchers and agency facilitators continually misread the complex inter-organizational dynamics of formal participation and diminish the extent to which participation choices are based on political calculations external to the process itself. Typically, an eighteen month study of fifty-five large HCPs by two prominent researchers of collaborative ecosystem management found that stakeholders had a “fear of public participation” (Anderson and Yaffee 1998) and cites a National Audubon recommendation in a study of participation in HCPs that instructs environmentalists to beware of inclusion if participation requires supporting the final plan or getting involved in negotiations. Nevertheless, Anderson and Yaffee suggest that USFWS officials should redouble their efforts to increase the participation of stakeholders and “ensure that all legitimate interests are represented” (1998, 38)—a clear impossibility if groups refuse to participate. Despite the fact that formal inclusion in the Working Group was an all or nothing prospect, there were a variety of ways in which groups that did not formally participate managed to participate to a lesser extent in the process by attending the public meetings, meeting with government officials individually, or monitoring from the sidelines. How did those on both sides of the participatory divide view the proceedings that occurred within the formal group?

Performing Transparency: Formal Deliberation and Informal Communication in Public Settings

Creating incentives for cooperation and lowering transaction costs within institutions can diminish the incentives for acting solely in terms of zero-sum interests,³⁴ and deliberative theory is based on the insight that it is possible to change or diminish the extent to which strategic bargaining over public goods dominates more public-spirited arguments based on reason rather than interests. For the MSCP, this meant limiting the amount of ad hoc public input, opening the decision-making table, but inducing the partners there to conduct discussions under a modus operandi borrowed from the more sanguine and professional meetings of the business world. Virginia Reade, executive director of the birding group, notes: “The process is very professional and very fair” (Interview with author, March 2004). From Jeffrey Ecker’s standpoint, the most relevant mindset was the popular bible of negotiation from the corporate realm, “Getting to Yes” (Interview with author, February 2004).³⁵ For stakeholders, more intimate deliberative settings can be a relief from the raised volumes of public hearings, but critics of deliberation like those described in the preceding chapter claim that such settings can also be intimidating and oppressive since they suppress dissent and require professional presentations and measured codes of speech. Do stakeholder perceptions reinforce Sanders’s, Young’s, and Mansbridge’s claims that deliberations like those in the MSCP will disadvantage those with less power? How did Hajer’s dramaturgy of setting and staging contribute to stakeholder perceptions of the transparency of the deliberations once they were inside the door?

³⁴ Regarding institutions and game theory, see Ingram and Clay (2000) and North (1990).

³⁵ Despite its cachet in the business world, “Getting to Yes” author William Ury is Director of the Global Negotiation Project at Harvard, which is dedicated to dispute resolution at the level of nation-states. This blurring of corporate and public negotiation tactics is telling, particularly given Bernstein’s comments on professionalism in the next paragraph.

Many participants in the MSCP reinforced the prevailing assumption of researchers that formal participation in deliberation is a “win-win” for everyone involved (Walker and Hurley 2004). Former mayor Susan Golding proudly announced “Everybody wins!” in a profile of the MSCP on the *Newshour with Jim Lehrer* (Kaye 1997). Surprising affinities were discovered that may never have surfaced had groups not been forced to get to know each other and the nuances of their positions. Angela Bernstein, the conservation chair of a local native plants group, was surprised to discover that, as a “weed person,” she could find common ground with the cattlemen whom her group usually opposes (Interview with author, January 2004). Bobby Goode of HAN claimed that a lot of the Working Group’s success could be attributed to turning points of mutual feeling: “At some point you realize that the mutual goal can serve several different objectives. It can serve their objectives, it can serve your objectives, and the cliché is you start rolling together. There’s a very discernible moment when that occurs, not unilaterally, not with everybody, but you begin to get a sense of momentum. And I’ve seen that over and over again in the process” (Interview with author, April 2004). Virginia Reade of the Birders’ League says the most important factor for her in terms of negotiating the MSCP was learning to work with other participants regardless of suspicions about their motivations: “We usually cordially disagree, usually end up agreeing to a compromise... I’m interested in: ‘What’s the outcome on the ground?’ I’m trying to get the best outcome there is, and it’s a judgment call. I have definite opinions about who’s got conservation at heart and who does not, but I respect all parties” (Interview with author, March 2004). Such turning points from strategic negotiation to collaboration are the ideal goal for deliberative democracy proponents. One participant noted in a public report that participants actually got along “suspiciously well” (Merrick 1998).

These high profile cooperative successes were accompanied by individual and group assessments of the extent to which the formal aspects of the process were affected by

backstage dealmaking. Outsiders maligned the theatricality of the public deliberations, playing off the notion of the MSCP as redolent of Russian propaganda and Soviet-style centralized planning. Both the extreme right and the extreme left saw the MSCP as an illegitimate civil process because smallholders and small species were threatened by dominant interests in conjunction with the regulatory muscle of the state. Accusations of socialism and communism were not uncommon from property rights groups (Chase 1997, 30), but they were generally laughed off by interviewees who had participated in the process.³⁶ Jerry Younts, a vocal environmental opponent who claims “San Diego is run by the development community,” got increasingly animated when discussing his anger with the MSCP process: “It has no integrity whatsoever. It’s just a showpiece, a Potemkin village, we can prove that!” (Interview with author, February 2004). City and county planners tended to take criticism of the MSCP as an undercover developer giveaway more seriously. An information sheet for the MSCP refutes the question “Is the MSCP just a method for developers to get around the Federal and State endangered species acts?” (County of San Diego 2006).

For those who participated in the process, the prospects for authentic public deliberations unmarred by informal negotiation were more complicated. Rather than breaking down barriers to cooperation, the high stakes policy outcome often amplified the tenor of deliberations and the difficulty for individual groups to satisfy the conflicting demands of their own constituents, their deliberative collaborators, public officials, and the administrative hierarchy of the organizations they represented. The focus within the Working Group on the professional tone and conduct of the process served to reinforce the division between environmental professionals and volunteers. Regardless of political orientation or attitude towards the MSCP, those groups that were professionalized and had paid staff were far better

³⁶ Despite these dismissals, Walker and Hurley describe how a campaign using this frame successfully derailed a similar California resource planning process (2004).

able to embrace consensus in the MSCP than those organizations that were predominantly represented by non-professional volunteers.

In accord with Iris Marion Young's claim (2000) that the pressure for consensus and rational argument in deliberation hampers the authentic expression of differences, Angela Bernstein of the native plants group relates her sense of how volunteers must control their self-presentation: "It helps if you show up places on time. It helps if you come to the meeting prepared, you've read the documents, you've discussed it with other people before you walk in the door. You cannot lose your temper. There are people who tend to get angry easily and can't hide it too well. You have to have a really thick skin" (Interview with author, January 2004). Bernstein notes that aside from being emotionally restrained, some sort of professional training, if not professional status, is key for holding your own in the process, even though she describes herself as someone who will not "give away" concessions if the science is not supported: "I had asked [my organization] after my experience to get mediation training with the conservation chairs and negotiation training, because I thought that would help people. I didn't know what I was getting into. I was used to reviewing a document and writing a letter... I would have liked to have been trained somehow for those interactions" (Interview with author, January 2004). Understanding the unwritten rules of professional presentation, meeting etiquette, and negotiation styles is critical for less experienced stakeholders. While capacity requirements described by Chaskin et al. (2001) of simply getting to and having prepared in advance for frequent meetings were out of reach for volunteer groups with lesser capacity, when volunteers did attempt to interact with professionals, they had to perform in settings that clearly privileged more professional self-presentation and rhetorical skills, substantiating the claims of theorists who emphasize that deliberation reinscribes power differences in subtle ways (Fung, Young and Mansbridge 2004; Mansbridge 1980; Sanders 1997; Young 2000). Stakeholders rarely expressed that this was an insurmountable obstacle,

however, in concert with findings in empirical studies of deliberation that language and presentation barriers may be overstated by theorists (Cohen and Rogers 2003, 245).

Pressure within the deliberations for consensus and professionalism from fellow collaborators was in many senses the least of the stress these stakeholders were experiencing. As Reade points out, environmental groups could counter pressure for consensus and force compromise on their own more moderate positions by expressing the pressure to resist that they felt from less moderate groups throwing stones “way out there”—but who were often observing from within the public meeting room where deliberations were held. Explicit backstage pressure that was harder to communicate within the deliberations involved pressure on agency officials from within their own hierarchy to make the process a success and forge consensus on viewpoints where lower-level employees frequently wished they could take a stand against developers.³⁷ These agency employees *in turn* put backstage pressure on environmental representatives who were seen as more capable of resisting the pressure for consensus. Volunteer representatives could use their supposed unfamiliarity with the rules of the game and the marginal tolerance for their “eccentricity” as an excuse for holding the line against more powerful opponents. In Bernstein’s words, “They do use us as the bogeymen at the [wildlife] agency” (Interview with author, January 2004). Agency employees were equally frustrated with their inability to express their doubt about planning decisions. Disenchantment with behind-the-scenes pressure from their superiors led two biologists from the Fish and Wildlife Service to leave the agency following the process, one for a board position with Bernstein’s organization (Davis 2003a).

³⁷ Koontz (1999a) finds evidence that devolution to lower-level administrators is not associated with greater enthusiasm for participation; in fact, national officials are more likely to support participation than state officials. My own interviews support this claim, as in the San Diego case described here and in Sperling’s and Walley’s interviews in Chapters Five and Six.

Bernstein laments that having to keep common ground with agency officials private and resisting pressure for consensus on behalf of others also means performing an unpopular role: “To the extent that we provide that, I’m glad. But I regret having to have been a bitch, okay?... An aspect of my position in the habitat plan is I got to be the environmental bitch while other people got to be the friendly, let’s-make-it-happen people. I hadn’t experienced it to that extent before” (Interview with author, January 2004). While critics of deliberation like Jane Mansbridge emphasize the importance of “strengthening the will—even the obligation—of the dissenters to stand out against the looming consensus” by finding allies and allowing vetoes (Fung, Young and Mansbridge 2004, 49), Bernstein shows that in some of the deliberations for the habitat plan, volunteer environmentalists actually felt behind-the-scenes pressure to act adversarially. This caused environmental groups to play the role of lone obstructionist more often than they may have otherwise. On the other hand, representatives of environmental organizations with multi-level administration also felt extreme pressure from their own administrative hierarchy and local members to resist consensus and explain deliberative compromises that appeared to be concessions from the outside (See Figure 3.1).

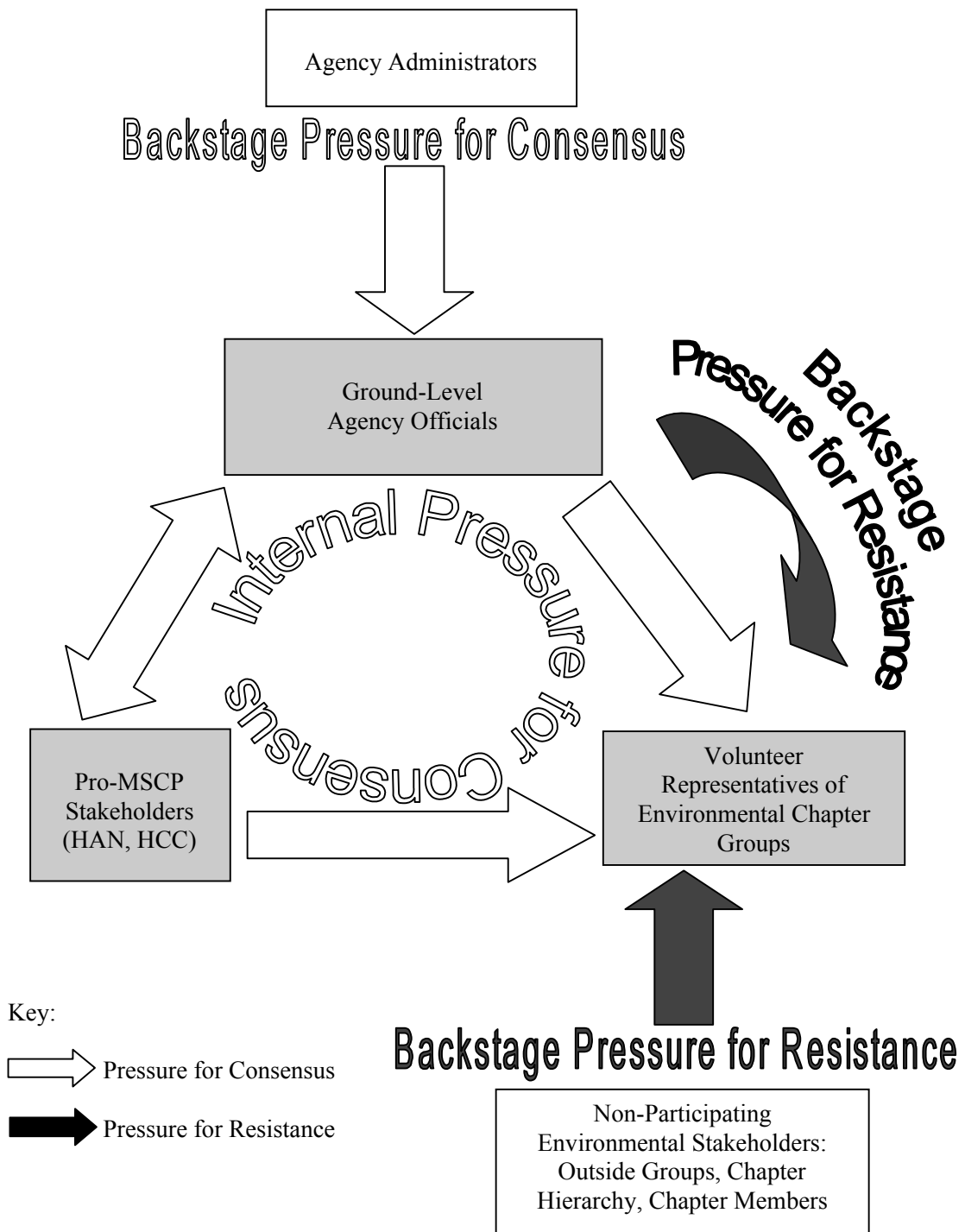


Figure 3.1: Countervailing Pressures for Consensus and Resistance in the MSCP^A
^AShading indicates participation in MSCP deliberations.

Despite the public quality of the deliberations, many outside observers suspected opaque negotiations and power imbalances behind the scenes. Perceptions of the transparency of MSCP decisions provide a useful guide to the limits of openness, even in a formal process with so many public representatives at the table that repeated staging of secret negotiations within the MSCP process itself would have been relatively difficult to manage. For some observers, the frontstage of contained deliberations suggested in its very existence the presence of some backstage or hidden or larger reality. National groups in particular were wary of local chapters setting precedents for future processes; they suspected that the potential to gain long-term leverage and power within the decision-making community for small-capacity local chapters might come at the expense of the ability of the larger organization to advocate against compromising habitat protection in the future. Volunteers with local chapters of national organizations like Sandra Leath, the conservation chair of the Sierra Club, had to do much more work within their own organizational hierarchy to win approval for their positions in the deliberations. Leath had to gain approval from the land use committee, the conservation committee, and the executive committee of her chapter. She describes the pressure she felt to sustain working relationships with elected officials that created room for continuing debate between the group and the county:

When we were approving the county [plan], there was one supervisor who was very supportive of the MSCP, one of her staff members kept getting on my tail, she kept calling me: “Is the Sierra Club going to approve the MSCP?”, because it gives strength to that social process. I was working on that like crazy because there were people who were very upset about the wetlands issue and felt we shouldn’t approve. I was very proud that we reached an agreement but in our approval, in my approval speech to the [County Board of] Supervisors’ meeting, I would say that the wetlands issue was not approved, we felt something needed to be done about the wetlands. But we did approve [the MSCP]. (Interview with author, January 2004)

These volunteers suffered frustration when they found that the deliberative outcomes they were so proud of achieving within the deliberative process and within their chapter were not looked upon favorably by state-level staff. As a result of a formal complaint lodged against the local chapter, Leath describes how the state organization imposed formal requirements for future participation in other habitat planning processes: “They were required to look into it and they set up a committee and the committee made some rules and regulations, and the national organization made some rules and regulations about HCPs” (Interview with author, January 2004). Whereas the state and national levels of the organization had concerns about the MSCP as a one-off process that might set a dangerous precedent, Leath saw the process as an opportunity for much greater participation than had been afforded the environmental community in San Diego in previous planning efforts. Local chapter groups were usually less willing to be seen as obstructionist than their national organizations, because rejecting the MSCP on principle would inhibit their input being taken seriously in community deliberations down the road.³⁸

Participants in the Working Group were all aware that sensitive discussions often took place in subcommittee sessions. Although subcommittee decisions were supposed to be referred back to the larger group for approval, one report on the results of the MSCP describes disagreement on the way in which these negotiations were perceived: “Some interviewees indicated that the process was not such a collaborative negotiation as it was portrayed to be by the media, and one participant expressed frustration with the ‘behind the scenes’ decisions that made the working group process appear to be ‘window dressing’” (Merrick 1998). Using subcommittees to decide particular issues was a way of bringing decisions on technical matters or matters requiring some private discussion to the committee, but this also created

³⁸ One exception to this is a state-level environmental organization that endorsed the plan despite the fact that its local chapter refused to endorse it.

room for suspicion that some decisions submitted for Working Group approval had been negotiated beforehand. Whereas Naurin points out that some privacy can actually produce more public-spirited deliberation, private deliberative outcomes tended to intersect awkwardly with final approval in public meetings. Observers who were not members of the Working Group described this as a “subtle process of exclusion. You’re not invited to the meetings, to the meeting behind the meetings where decisions were made” (Pollak 2001). The public process did not prevent some participants from retrospective skepticism about the superficiality and true transparency of the proceedings.

As such, the performative elements of consensus-building entailed a subtler power politics within deliberations that involved donning both professional demeanors and resistant ones. In some sense, the descriptions of these roles from those who participated in the MSCP actually indicates that, rather than creating a space free of the “theatrics” of public hearings, where impassioned pleas, raised voices, rancor, outbursts, clapping, and hooting represent the raw emotionality of having to present deeply felt interests in an open setting—the MSCP deliberations were just as consciously managed and dramaturgical. Some participants experienced their own public performances as more consciously artificial than others. Maarten Hajer has acknowledged these performative aspects of political deliberation (2005), but very few deliberative proponents (outside of rational choice theorists’ emphasis on “signaling” (Elster 1998)) have considered or compared deliberation as a performative exercise.

The data collected in this project do not allow for an assessment of how much backstage deal-making among MSCP participants may have subverted the deliberative ethic of the overall negotiations. Despite some suspicions of deliberative window-dressing and behind-the-scenes decisions, the length of time it took to reach consensus and the frustrations many felt with the messiness of the process indicate, if anything, a remarkably scrupulous

effort to accommodate diverse viewpoints in a very large group.³⁹ But the foregoing discussion of the informal pressures experienced from outside the formal deliberation process demonstrates the extent to which the “reality” of transparency does not matter. Regardless of whether participants themselves experience public deliberations as authentically cooperative, the discussions and position-taking within are less public-spirited than outsider-directed, as Naurin notes (2002). Compromises and consensus are pursued by group representatives in the context of awareness of how these agreements and their subtleties will be perceived by different constituencies of varying scope. What may seem like a victory for group representatives at the local level may be a catastrophe for group leaders at the state or national level; what is portrayed as a principled stand rooted in ecological data may in fact be a careful triangulation of countervailing pressures from both sympathizers and opponents on either end of the ideological spectrum, depending on one’s perspective. What deliberative collaborators may understand as a hard-won stakeholder position of partial support with caveats may in the attention space of the public media become an unqualified endorsement.

Because of these difficulties, non-elite social movement actors like many of the volunteer environmental group representatives in San Diego may withdraw from public deliberations exhausted and demoralized—and not necessarily by the process itself. They may retain belief in the process and fellow participants, but feel hamstrung by a lack of trust, support, and cooperation from within their own organizations or the larger environmental community. Despite the claims of deliberative democracy theorists that “perpetual” participation is potentially ideal, the ending point of the long seven-year process provided a

³⁹ This scrupulosity itself may be interpreted as intended for public consumption. Nevertheless, the pursuit of cooperation in San Diego is notable for its adherence to EPG ideals when compared with alternative HCP processes which did not bother with participation at all, like the Orange County process Hogan describes (2003). Additionally, the fact that the final plan did not impose solutions for particularly contentious areas provides evidence that consensus was not forced in areas of substantial disagreement.

convenient exit for participants like Bernstein and Leath to move on to other projects or formally retire from the deliberative scene. Not surprisingly, those professional players least tied to broader constituencies and memberships—local organizational entrepreneurs who organized to lobby for and then participate in the process on both the environmental (HAN) and development industry (HCC) side—may find their own public profile significantly strengthened by their interest in continuing to participate in public deliberation.

Certainly, critics of deliberation are correct that without understanding the local political landscape and institutional and organizational missions under which public deliberations take place, one cannot understand the limited potential for power redistribution in formal processes. But public deliberation is experienced as a contradiction for some players more than for others, and pressure for consensus and rationality are not singular or strictly internal forces in deliberation. Representatives of membership groups and more traditional social movement organizations experienced external backstage pressures for resistance within public deliberation as requiring excruciatingly nuanced public performances, whereas interest group professionals were better able to reconcile stronger internal pressures for consensus with their own organizational missions. Informal communication was not strictly the domain of elite players in the case of San Diego. In fact, elites operating within the process had the most to gain by sustaining other participants' belief in the authenticity of the deliberations; given their power as formal participants in the proceedings, they had very little need to engage in backstage deal-making. Informal communication in the context of the public deliberations was most salient inasmuch as it created tensions for non-elites between their struggle for attention space and authenticity within the deliberations and their capacity to retain legitimacy in their larger community of interest.

Maintaining the Consensus: Perceptions of Efficacy and Durability of Formal Agreements

A major factor in terms of getting to agreements within the MSCP was the sheer investment that had already been devoted to the process by the parties involved in over seventy meetings over seven years (Pollak 2001, 83), certainly a factor that leads to pressure for consensus. The effort of having attended so many meetings and worked so hard provided a huge incentive to make conclusive decisions on particular issues that seemed intractable at the beginning. “Just being in the trenches with a number of people for years” was identified as crucial for hammering out agreements by Bobby Goode of HAN (Interview with author, April 2004). One interviewee noted that over the course of the process, some partners received support for personal tragedies, shared meetings right before holidays, and other sympathetic or common experiences as a result of their commitment to the process that built fellowship and trust as well. But appreciation of long-term personal relationships within the group, which Partnership and Task Force members in New Hampshire and South Carolina emphasize as critical to consensus-building in their much smaller groups, were emphasized far less by Working Group stakeholders in San Diego. Deliberative theorists typically assert that the process is more important than the product, in that the ability of partners to work out agreements will continue long after specific decisions are made. How did stakeholders perceive the challenges of maintaining their consensus over MSCP issues after the plan was produced? Did they continue to think that the MSCP decision-making process was effective?

For Jeffrey Ecker at the county planning department, the momentum of relationship-building through consensus did result in increased trust for some stakeholders. Evidence of follow-through tempered the objections of important stakeholders like farmers who resisted the MSCP process all along. In regards to a long-time critic of the process, he comments,

He’s still a skeptic but he at least has been following what we’re doing and that’s good. And hopefully over time we’ll convince people. I think people have to see the programs ten years from now and see what’s happened.

Learn how much land we have preserved. Have the species continued to go extinct? Is there management monitoring going on as was promised and all that stuff? (Interview with author, February 2004)

Ecker acknowledges that the Working Group was not the endpoint of the ongoing need to legitimate the process in the eyes of the public—a task that has become easier as the conservation promises in the plan are fulfilled and the linking of preserves gains momentum. Ecker relates his experiences going from tension-filled farmers' meetings at the beginning of the process of gaining support for the MSCP to a calm and friendly one that he and the interviewer had attended the day before: “We’ve developed a certain amount of trust in working relationships because they see that we’re really trying to help them and that the outcomes were generally pretty good” (Interview with author, February 2004). Jeffrey Ecker explains away remaining objections after the fact as ultimately limited to a few parties:

There’s still people that don’t like the program. There’s some landowners that have had to do some things or not do some things that they wanted to do that have some axes to grind, but generally speaking the big landowners, the Building Industry Association, those guys are okay with us, the Audubon Society and Sierra Club and those guys are critical, but they’re not really that critical of the county very often. (Interview with author, February 2004)

As Jeffrey Ecker noted earlier, time was a friend for winning over local residents who were skeptics, but time was also an obstacle to continuing to sustain the project and the participating groups’ belief in the worth of the process. When asked about difficulties, Ecker responds: “Just change in people and administrations. You’re always having to reeducate people as to what you’ve done and sometimes it’s a lot more difficult than you would hope it would be” (Interview with author, February 2004). Simply participating in so many concurrent and long-term efforts is exhausting for all but the most engaged players. Environmentalist Bobby Goode describes this as “the self-limiting reality”: “There’s only a handful of people that are involved with the MSCP that have had a continuum of engagement. It’s just different jobs and moving on and so on, just life. In San Diego, I know there’s less

than ten people that have been in there since the beginning [1991]” (Interview with author, April 2004). This smaller group of long-term participants represented a reversion to the usual suspects model of planning politics, where community elites with vested interests in negotiation tend to maintain consensus by outlasting newer faces at the table. As Chapters Four and Five describe, public-private partnerships that invite only a small group of these usual suspects who are capable of indefinite belonging to a consultative group take advantage of this phenomenon, but try to make the results more inclusive on the back, rather than the front, end.

County planner Jeffrey Ecker notes that it has been relatively easy to leverage political capital by maintaining cooperative stances when lobbying legislators:

The bottom line is having the program and having the plans in place and having the social infrastructure in place in terms of working together to do these plans over the seven years that it took. You know, you develop working relationships with the [agencies and HAN], which then allows you to use that social capital and go back and pitch that this is all something that everybody agrees with. (Interview with author, February 2004)

Participants were highly conversant in the argument that consensus generated federal and state support. Angela Bernstein summed up the lesson of the MSCP: “When opposed people lobby together, politicians really like it” (Interview with author, January 2004).

But the fragility of administrative support for the MSCP plan and the challenges to individual planning decisions made under the MSCP contest Fung and Wright’s claim that state-centered activity provides ongoing security that consensus-based efforts will be productive, as compared to the “relatively brief democratic moments” afforded through participation in collective action or electoral politics. While interest group partnering and cooperation in San Diego was relatively stable among the core group of high capacity players, the landscape of policy-making and implementation was highly uncertain due to administrative turnover, expired legislative mandates, and power struggles among agencies,

counties, regional associations of governments, and cities. In San Diego, the entire MSCP model was threatened when administrative withdrawal of leadership at the federal and state level caused NGOs to withdraw resources as well. Ben Lowry describes his local office's skeleton staff, which had turned over four times after momentum at the state and federal level shifted: "What happened is everyone went away. The Clinton administration went away, the Wilson administration went away. They left" (Interview transcript, March 2004). By comparison, developing reliable informal networks seems far more of a sure thing than state-centered access and funding for participatory policy-making.

Groups recognize that partnership without informal cooperation in implementation threatens their collaborative efforts, regardless of the substantive cooperation and good will generated in the formal process. A study from the native plant society states: "As we experienced in the southern California experiment..., conservation platitudes may sound nice and make the NCCP look good. But if implementation lacks specifics, the implied positive action may never actually occur" (Witham 2001). This criticism of the ongoing uncertainties of interpretation in implementing the plan was rooted in the consensus-building approach itself. Critics claimed that in order to reach consensus, participants had walked away thinking they had agreed but interpreting their agreement differently: one critic notes, "The only way an agreement can be reached ... is if the language is so vague that it can be interpreted the way each side wants to interpret it" (Davis 2003b). The plan gave legal assurances⁴⁰ to developers and promises of protection to environmentalists, but neither stakeholding group came to believe that the formal consensus had been implemented properly. A state official who conducted a review of the MSCP and recommended stricter standards for species protection acknowledged that legal requirements would change little without the political will of the

⁴⁰ See glossary for definition.

partners: “There’s only so far you can go. Changes in language don’t necessarily translate to changes in actual practice” (Davis 2003b).

When areas that had been singled out for preservation were left out of the final maps and allowed to be developed, disputes arose among participants about whether this had been accidental or whether such areas were never intended for preservation (Davis 2003a).

Developers and environmentalists had reached formal consensus on conservation of resources like seasonal wetlands called vernal pools to “the maximum extent practicable,” but this language left considerable room for disagreement over whether developers were interpreting this language in good faith (Story 2000, 9). The plan itself specified that eighty-eight percent of vernal pools should be preserved (City of San Diego 1998, 3-47), but did not identify how many pools remained (Davis 2003b). In the public sphere, agency officials and environmental supporters like Bobby Goode defended such percentages as representing substantial consensus for conservation that the environmental community had been fortunate to get: “[The Working Group] had developers, agencies, jurisdictions, water districts. That collection of people was simply not going to choose one hundred percent conservation. It was not in the cards. It never is” (Davis 2003a).

Environmental groups countered that ninety-seven percent of vernal pools had already been lost, and complained that agency officials were not following through on their promises simply by sending warning letters about “lack of avoidance on site” after the fact to developers who had clearly violated the spirit of the MSCP by, for example, bulldozing sixty-six vernal pools on one-fifth of an acre in an over sixty-acre project, and preserving only one surrounded by a fence (Davis 2003c; Rolfe 2000). By 2003, seven lawsuits had been filed over the MSCP and its implementation by groups like Bernstein’s that had participated in

developing the MSCP agreement (Davis 2003b).⁴¹ Bernstein's native plants group had lost faith throughout the Working Group process and not endorsed the plan, so her group and other outside stakeholders' willingness to sue over this developers' destruction of vernal pools is not necessarily a surprise given what planners knew at the point of plan approval in 1997.⁴² Neither is it surprising that Habitat Action Now did not join the suit, given its pro-MSCP stance. What is surprising, however, is that Leath's Sierra Club chapter, which had endorsed the plan along with HAN, did join the suit, indicating that environmental groups did not stand by their formal endorsements of the (limited) consensus that had been reached (Pollak 2001, 29).

Traditional mobilization strategies and coalition-building among groups with similar interests continued to hold promise for non-elite stakeholders following the MSCP process; such groups justified their reversion to litigation and project-specific campaigns because they felt the implementation of the MSCP did not adhere to the spirit or letter of the negotiated plan. The alarm with which the Habitat Conservation Coalition responds to what it understands as an illegitimate renegotiation of the MSCP in the public sphere demonstrates the fragility of the "formal" agreement among the participants. A letter to the editor of the *San Diego Union-Tribune* from the president of the HCC reviews the purpose of the MSCP for those who have forgotten:

The plan was hailed as a national model for habitat conservation... That is why we read with great interest the story about opposition to the Salk Institute's expansion based on biological concerns. It is our understanding that the institute's proposed expansion is entirely on land authorized for development by the MSCP.... Our hope is that the MSCP plan is honored

⁴¹ Caution must be used when interpreting litigation as a quantifiable measure of dissatisfaction with the plan. San Diego's ballpark planning process took six years and was the subject of seventeen lawsuits, eight of which were sponsored by one local developer (Heller 2004). For the purposes of this project, the participation of groups that had participated in the planning in later litigation is significant because the plan was specifically intended to forestall lawsuits.

⁴² Despite its involvement over the course of the planning process, Bernstein's group was not listed in the MSCP Final Draft acknowledgments of contributors, presumably because they would not have wanted to be associated with an endorsement of the outcome (City of San Diego 1998).

and respected, and that we not re-engage in the biologically ineffective and inefficient project-by-project, species-by-species battles. (Kilkenny 2005)

However publicly-oriented the MSCP deliberations were, and however long they took to negotiate, the formally-binding character of the resulting plan ended up surviving more on the honor and respect of a “gentlemen’s agreement”: that groups not reevaluate what they had stood to gain by cooperating in the plan with what they could gain through protest or litigation once the plan was actually implemented.

Newer organizations like the HCC, whose sole mission was HCP planning, were furious that the formal, state-centered process had not guaranteed the implementation of a binding contract. In 1999 testimony, one of the HCC’s founders who participated in the Working Group asserted:

We continue to support the MSCP and HCPs in general, notwithstanding recent attacks on these plans by a variety of environmental groups. We are deeply concerned, however, with the long-term credibility of federal agencies to deliver to the participating jurisdictions and landowners what has been promised through these programs. For years during the MSCP planning process, we were repeatedly told by senior assigned management of the Department of Interior to “trust us.” If we can’t even trust that the federal agencies will do what is required under the Implementing Agreement contract, how can we trust someone’s simple word in the future? (Committee on Resources 1999)

Environmental groups felt similarly betrayed by public officials, despite the complaints they had made about the lack of specifics when consensus was being reached: “We were repeatedly told, ‘You’re just not sophisticated enough to understand how this plan is going to work. Trust us’” (Pollak 2001, 16). That environmental groups sought to destabilize the formal MSCP agreements on individual projects illustrates the continuing informal consensus required to sustain public, formally-deliberated cooperative agreements. That contractual agreements were only as good as government officials’ word was a shock for those developers most invested in the formal status of the assurances given in the process.

These challenges to the MSCP from organizations that had been participants in developing the original agreement demonstrate the complex relationship of formal agreement and the ongoing consensus it is presumed to generate. Theorists like Jane Mansbridge argue that “a history of successful action and mutual respect” (2003, 190) create reserves that can be drawn on when encountering divisive issues in the future. In this case, some skeptics were won over to the process as they saw that implementation was not as threatening as they had originally perceived. Partnership could be managed relatively easily when oriented towards collective ends, such as lobbying for outside MSCP funding. But maintaining the consensus over time required increasing work on the part of administrators, who faced turnover among parties to the agreement and complaints about the ways in which consensus was being implemented that threatened to derail the entire HCP model of preventing litigation. Diverse participants recognized over time that public, state-centered consensus was fragile and superficial inasmuch as it relied on continuing cooperation that was much more difficult to sustain. As early as 2001, a government-sponsored evaluation of the MSCP and other NCCP projects warns:

Because the NCCP program requires so much cooperation and collaboration, erosion of that consensus can undermine the continued viability of the program. The NCCP consensus in Southern California shows signs of strain. If the consensus broke down, stakeholders could begin throwing legal or political obstacles in the way of implementation. Or, stakeholders could simply decline to participate in the development of new NCCP plans elsewhere... Many of the complaints of both local governments and the regulated communities can be summarized with the rhetorical question, “A deal is a deal—or is it?” (Pollak 2001, 69)

The MSCP Plan was impressive as a document of the cooperation that had gone into producing it, and certainly represented a seven-year history of successful interaction and respect among those in the Working Group. Nevertheless, stakeholders recognized after the fact that formal cooperation was ultimately preliminary to the question of whether former collaborators would resort to litigation over implementation. Both environmentalists and

developers claimed that government officials overseeing the process and its implementation had betrayed their trust by failing to implement the formal terms of the agreement in the way they believed had been promised. These changes in perspective on the benefits of formal agreement over time demonstrate the limitations of increasing formalization as a method of inducing groups to reach consensus. Those who are once bitten by state-centered action may be twice shy about engaging in later formal decision-making efforts or trusting in the security of increasingly explicit standards, especially if they have already resorted back to alternative contention strategies. Inasmuch as Young and Mansbridge suggest that consensus and conflict-based strategies may be complementary, the breakdown of the MSCP into a few environmental moderate groups willing to negotiate within the MSCP and a larger number of environmental groups collectively litigating against MSCP decisions outside the process, certainly indicates action at cross-purposes that might destabilize the efforts of both.

Building Social Capital and Cooperation Outside the MSCP: Distinguishing between Informal Networking Capacity and Formal Institutions

A look at the tangible results (e.g. plans, policies, agreements, etc.) would ignore the crucial intangible outcomes (e.g. social, intellectual, and political capital, trust, shared understandings, relationships)... the intangible outcomes help “communities and organizations move to higher levels of performance and creativity in a constantly changing world”—even in cases where no tangible outcome could be achieved. (Brand 2005)

As described earlier, the large MSCP Working Group was significantly whittled down by the conclusion of the process. This consolidation of deliberation within a core group was largely voluntary, and on its own it does not refute the claims of Fung and Wright regarding the recursive benefits to be reaped from state-centered processes that secure ongoing “broad and deep” participation, especially the surplus stores of social capital such groups generate. This broader social benefit among the participants at the table is not necessarily destabilized by the exit of a few participants; “perpetual” participation cannot possibly extend to every

individual participant, and those who exit may have built lasting relationships with other participants. As described earlier, even when deliberative theorists recognize practical difficulties, they still maintain that formal deliberation—even if imperfectly approximating democratic ideals of transparency and inclusion—nevertheless represents a “powerful socialization experience” (Button and Ryfe 2005) that may provide a bridge to new forms of engagement. For this reason, I conclude my empirical comparison of perceptions of inclusion, transparency, and consensus-building in the Working Group with a comparison of perceptions of the collaborative social capital (Thomas 2003, 163-4) the formal process generated.

Some might argue that stakeholder perceptions linking the formal elements of the MSCP to challenges in inclusion, transparency, and consensus-building do not justify an argument against the overall aspirations of the MSCP. Without more evidence from the following chapters, these criticisms of formal process on their own certainly do not argue for the comparative benefits of more informalized processes. Indeed, most would acknowledge that getting environmentalists and developers to reach ongoing consensus when their stakeholding interests and their ideas of public benefit were so contradictory was ambitious at best. At the time it was started, many believed the MSCP might be a promising alternative to the status quo, and even if the effort has not fulfilled particular stakeholders’ aspirations for empowerment, equity, or agreement, real utopian theorists like Wright would assert that experimenting with different types of decision-making in pursuit of these goals is certainly worthwhile. If participating in deliberation serves as a “school of democracy,” the MSCP’s failures in achieving democratic ideals may simply have been lessons in what does and does not work in the complex world of San Diego politics.⁴³ Many deliberative theorists like Innes

⁴³ Indeed, the California Department of Fish and Game has produced a document of “Lessons Learned from Regional Conservation Planning Efforts” that heavily emphasizes forty-one “lessons about collaboration,” many of which were learned the hard way through San Diego’s experience as a pilot project (2003, 1).

and Booher (1999) and Mansbridge argue that participatory processes should be evaluated separately from their planning outcomes since the benefits of such processes extend to relationships and resources in the larger community, and “good deliberation will clarify both conflict and commonality” (2003, 180). According to these theorists, participating in deliberations like the MSCP should produce noticeable transformations in partnering down the road and in other venues as groups flex their deliberative muscles, regardless of the more immediate conflicts that arose within the MSCP.

For researchers of empowered deliberative democracy like Craig Thomas, HCPs’ flaws are countered by these potential gains in social learning that can accrue over the course of deliberation: “In deliberative HCPs with broad participation, participants typically design a preserve system with other social benefits in mind... In doing so, they also develop social capital, including skills for deliberative practice” (Thomas 2003, 163-4). Mansbridge specifically notes that even despite problematic outcomes, “Habitat Conservation Planning... may have some transformative effects as a by-product” (2003, 187). Interestingly, theorists like Mansbridge classify such byproducts as empirically underdeveloped: “We don’t know at the moment how important or likely are the ‘independent desiderata’ of personal transformation and better deliberation... We may now return to practice to ask, for example, whether the citizens themselves think that building solidarity is an important goal” (187).

These social capital benefits, while intangible and notoriously difficult to measure, could be just as, if not more, transformative of decision-making in the larger community than the democratic ideals more directly associated with engaging in the MSCP. Innes and Booher (1999, 419) list at least ten “second and third order effects” that may result from collaborative decision-making, among them new partnerships, better coordination and joint action, joint learning in the community, new collaborations, and new institutions. How did MSCP stakeholders perceive these external second and third order effects of the social capital

achieved through the MSCP process? How important did they think subsequent partnering efforts, new collaborative institutions, and improved coordination with like-minded organizations were? Despite Mansbridge's claim that perceptions about the importance of solidarity are not well-known, stakeholders in San Diego acknowledged widespread consensus about the social benefits of partnering. As it turns out, participants in the formal process draw strict distinctions between the benefits of informal networking capacity that such processes generate, and the benefits of the increasing number and variety of formal institutions dedicated to collaboration.

Stakeholders that had participated in the MSCP frequently invoked arguments linking participation with increased social capital and informal networking, regardless of their position in the Working Group. Even volunteers like Bernstein and Leath who chose not to continue their participation viewed the informal social benefits of participating in the process positively. Angela Bernstein notes that the MSCP has been particularly effective in promoting networking with those outside her usual circles:

The one major benefit of doing the habitat plan is it brought a lot of different groups together and people networked a whole lot better. I have people who just cold call me because my name's in the bulletin under conservation. But most people feel a whole lot better if they've met the person before, even if it's just in passing. If they've seen the face, it's less hard to think about picking up the phone, so they communicate better. (Interview with author, January 2004)

Even when complaining about the difficulties of establishing these working relationships, none questioned the value of informal networking and cooperation.

For formal partnerships across stakeholder categories, stakeholder perceptions that partnerships were important in the abstract did not necessarily reflect their everyday actions. As a result, these partnerships failed to excite much enthusiasm despite infusions of funding from foundations to promote ongoing regional stakeholder partnerships that built on the MSCP. In a survey conducted by the California Department of Fish and Game (DFG) of

forty-two stakeholders who participated in the MSCP, the most frequent recommendation from respondents was for DFG and other stakeholders to form partnerships (Nyce 2000, 14). Nevertheless, a thirteen-member partnership called the Naturelands Project, funded with \$15,000 from the BankAmerica Foundation and coordinated by DFG and the Nature Conservancy, had already been organized “to bring the many core interest groups together in one unified outreach and education effort” concerning the San Diego NCCP projects (Nyce 2000, 17). Begun in 1997 on the MSCP’s completion, this project had already been discontinued by 2000. The difficulty of sustaining spin-off partnerships across stakeholder categories was not unique to San Diego, and may reflect both the exhaustion of participants discussed earlier and the retrenchment in foundation grantmaking that occurred in the late 1990s and early 2000s. South Carolina “Downstate Conservancy” executives had had similar experiences with maintaining enthusiasm for broad regional partnerships in the late 1990s, and had also changed strategies to focus their energies on projects with quantifiable results by 2003. In any case, when the money used to create incentives for forming such partnerships dried up, formal partnerships were easily abandoned. But given the conflicts groups experienced within the MSCP, one might suspect that enthusiasm for leaping into similarly broad partnerships with the same partners might be limited. What about partnerships within categorically similar organizations like agencies, cities, or environmental groups?

Questioning the Returns of Proliferating Formal Institutions: Agency Officials and Interagency Cooperation

While those who see the promise of HCPs as at least enabling greater interagency cooperation and multi-jurisdiction planning, if not greater empowerment on the part of everyday citizens (Karkkainen 2003; Thomas 2003), the increased efficacy of interagency partnering on projects outside the MSCP would be the most likely benefit of any improved

relationships, coordination, and resource-sharing generated through the MSCP. In fact, the MSCP did set the groundwork for agency partnering in later NCCP projects in areas of the county not covered by the original MSCP. But leveraging the cooperation of the MSCP to other habitat plans or to other projects proved very difficult, despite deliberative democracy theorists' hopes regarding the translation of deliberative and social partnering skills gained through deliberative processes to other contexts. Public planners and government officials in particular questioned the depth and breadth of formal partnering efforts across jurisdictions and among agencies at multiple scales.

Field-level officials point to the distinction between widespread agreement on the importance of partnering and minimal commitment to the hard work of making partnerships worthwhile to explain the lack of follow-through in developing regional institutions. The agencies themselves experience extreme pressure from their administrative hierarchies to facilitate cooperation and partnership, but little guidance on how to define what such partnerships are supposed to accomplish. One county official engaged in HCP planning complains “[FWS] were supposed to be the authorities... The whole process of the plan was like trying to construct something in a pitch black room and somebody saying ‘you’re kind of close’” (Anderson and Yaffee 1998, 16). Veronica Tanner from the state coastal agency describes the lack of defined benefits behind this interest in partnering and participation: “People need to believe in the partnership. Our [wetlands project] is a good example. It’s a house of cards. There’s nothing that compels any of the agencies to participate aside from good will. It could easily just fall apart, but the reason it hasn’t seems to be because partner agencies have bought into the idea that partnership is valuable for them” (Interview with author, February 2004).

The current moment may indicate a vogue for this style of networking, but higher-level officials at the agency have more time and capacity to engage in partnering without

obvious direct incentives, as Veronica notes that such efforts are largely voluntary and motivated by “good will.” Jeffrey Ecker describes how relations with state officials may allow for a consultative role for the county but by no means do they enable consistent coordination with the wildlife agencies’ acquisition priorities for the region, a potential concern since the jurisdictions and agencies are supposed to split the responsibility for acquisitions:

Sometimes some of this goes on that we don’t even know about, the state and federal government will do a lot of purchases that we’re not directly involved in... They may come around and say “Well, here’s a list of twelve properties that we’re thinking of putting in for that funding, what do you guys think?” And we may get an opportunity to say, “Yeah, it’s good and maybe this ought to be the highest priority,” and maybe they’ll listen to us and maybe they won’t. So that happens. So it’s really—there’s some formal mechanisms, there’s some ad hoc mechanisms. There’s a whole bunch of us that are all trying to accomplish the same thing. (Interview with author, February 2004)

Veronica Tanner of the state coastal agency points out that there is virtually no ability within the region for municipal officials to coordinate on their own without outside help, which puts state administrators in the uncomfortable position of trying to engineer participation from the top-down:

The biggest challenge has been groups working together both within subregions and within southern California as a group. The [wetlands project] was started by state and federal agencies because there was no coordination in the region from local groups, NGOs, municipalities—like it often gets referred to as a top down approach, but that is because there was no bottom up approach that was happening. We’ve tried to build that in reverse. (Interview with author, February 2004)

An Orange County NCCP official in Richard Hogan’s study of Southern California planning bluntly spells out subregional rivalries and lack of coordination as the status quo in San Diego politics: “Fragmented ownership and municipal infighting are [major problems]. None of the cities trust each other. [The regional association of governments] has [illusions] of grandeur and nobody trusts them’... The problem in San Diego was ‘small subregions and lack of

cooperation” (Hogan 2003, 101, second brackets mine). The regional association of governments (SANDAG), an agency formed in the 1970s specifically to cope with regional planning issues, has been both a facilitator and occasionally an obstacle in the complex politics of regional coordination (Hogan 2003, 72).

As Bastian and Luckham (2003) point out, and as federal and state officials also found in the other two cases, engineering grassroots participation through top-down coordination is extremely difficult. Once projects to cooperate locally are under way, the connections made locally with the help of outside facilitators do not always survive in transplantation to other contexts. Within later multiple species planning efforts, leveraging cooperation from the MSCP is not necessarily the rule—in part because many of the players are different. Ecker, the county planning official, minimizes but does not dismiss the lack of coordination among these efforts within the county’s own jurisdiction: “There’s a parallel effort going on with the North County cities and SANDAG is doing it. And we were part of that at one time and we pulled out because we had a little splitting of the ways with SANDAG” (Interview with author, February 2004). The relationships built at the Working Group table did not generate better relations or smoother cooperation for agencies and jurisdictions outside the MSCP, as Craig Thomas and other deliberative democracy theorists hope.

On the one hand, the MSCP did inspire similar habitat conservation projects for adjacent regions in North County and East County. On the other hand, the jurisdictions that had participated in the MSCP did not cooperate down the road to develop the joint funding source required by the plan. Ecker, who was so proud of how much cooperation the groups in the MSCP planning could show when they lobbied in Washington for federal funding, acknowledges that when the issue is deciding how groups will contribute their own money to the regional funding source mandated by the plan, stalemate is common: “There’s a regional funding source requirement which is how [funding is] supposed to happen, by the way, but

that has never come together because it takes a lot of cooperation” (Interview with author, February 2004). Partnering to request outside funding is relatively easy for the MSCP stakeholders, but the partnering relationship becomes much more complex when negotiations involve committing their own resources to common goals.

This lack of a regional funding source mandated by the plan is the most notable failure in developing new collaborative institutions out of the MSCP, particularly since this new funding source was agreed to within the MSCP itself. The Final MSCP Plan provides that:

A requirement of the MSCP implementing agreements is that local jurisdictions and other take authorization holders cooperatively establish a regional funding source within 3 years of signing the initial implementing agreements [July 17, 1997]... The jurisdictions will identify a new or existing structure or policy body for establishing this funding source... The MSCP Working Group identified the following options for such a coordinating body:

- An existing single jurisdiction as the lead agency;
- An existing association or committee of local jurisdictions; or
- A new open space/conservation district, board, committee, or commission created by the local jurisdictions.

(City of San Diego 1998, 5-21, bullets in original text)

Stakeholders from the development community blamed the vagueness of the funding plan for difficulties in implementing a new regional coordinating body for funding. Developers expressed concerns as early as 1994 that the funding plan should be more detailed, fearing that inadequate implementation would jeopardize the security of their take permits or they would get stuck with the bill (Pollak 2001, 28). Blaming the lack of specifics for funding the plan does not entirely account for the lack of coordination among regional governments, particularly since they have been active in pursuing funding on their own to adhere to other equally vague provisions for acquisitions under the plan.

Reports of this failure note that “local governments have failed to carry out a promise to set up an assured source of money to buy land and run the preserves” (Davis 2003b). In fact, local jurisdictions have proceeded in assembling preserves “until a regional funding

source is secured” through interim funding plans using diverted monies from sources like the California Tobacco Fund (Goldberg 2001). The city planning director’s memo from 2001 reported that “the City continues to be successful in securing state and federal grants, but obtaining matching local funding continues to be a challenge to future grant efforts” (Goldberg 2001, 5). In other words, obtaining state and federal grants for the project was becoming a problem since the city could not demonstrate the required local match for additional grant applications. By pursuing property acquisitions without an endowment for monitoring and management in place, the jurisdictions were making a risky gamble. Principal Partners in the Great Bay Partnership ran into similar difficulties on conservation acquisitions without endowed management secured in advance, but Task Force members in the ACE Basin saw such gambles as dangerous, ineffective, and avoidable—interesting in that Task Force members were the least accountable of the three groups.

This “get it now, pay later” philosophy was particularly problematic in a densely populated area where edge effects like trash dumping and off-roading need constant attention and can destroy the habitat value such purchases were intended to protect (Pollak 2001). Another city report from June 2005 states that conservation efforts were strictly in crisis mode, oriented towards keeping the habitats from being degraded for lack of attention: “Management for biological resources has been primarily focused on maintaining the existing biological values of habitat under City control. Once a regional funding source is established, opportunities for more extensive biological management activities could be pursued” (Greer 2005, 7). A government evaluation of the MSCP and other NCCP processes found that “there are major uncertainties about funding needed land acquisitions, science, monitoring and habitat management” (Pollak 2001, 1), a finding that caused amendments to the NCCP Act assuring funding for monitoring. Whereas the MSCP provided incentives for cities or agencies to participate as partners in developing policy, without such incentives, local

jurisdictions and agencies with limited capacity and rivalry for resources have very little incentive to continue partnering. Federal and state agency officials are inconsistent in involving local decision-makers in their own planning, and instead try to coordinate top-down local planning efforts to encourage bottom-up coordination.

Questioning the Substance of Feeling Good: National NGOs at Arms' Length

Nine years after the MSCP was developed, and six years after a new regional institution should have been in place, no coordination in regional funding has materialized. In the absence of regional coordination, the Nature Conservancy stepped in as a stopgap measure and steered funds reserved for transportation mitigation towards regional habitat conservation in a controversial sales tax reauthorization (Transnet) approved in November 2004. Not surprisingly, the working group that decides how to spend these funds involves six nongovernmental organizations (NGOs), including pro-MSCP stalwarts HCC and HAN (SANDAG 2005). The Environmental Mitigation Program Working Group's charter was revised in 2005 to specify that its duties will also include assisting "with the development of a regional funding measure (a ballot measure and/or other secure funding commitments) to meet the long-term requirements for implementing habitat conservation plans in the San Diego region" (SANDAG 2005, 1). In the words of TNC staffer Ben Lowry, trying to encourage formal partnership among local jurisdictions from the top-down is less effective than deploying TNC capacity surgically when local jurisdictions cannot come through on their own: "The way I envision it, we're like Shaquille O'Neal, and they're everybody else... We're a little bit of an anomaly in the way it helps for us to be an anomaly. Because we were able to go in and affect Transnet" (Interview with author, March 2004).

Elites engaged in land conservation financing and conservation deal-making—those at the large NGOs critical to conservation acquisitions of the kind specified in the

MSCP—express frustration with the enthusiasm for formal partnering over ground-level cooperation in making land deals happen. The “usual suspects” engaged in partnership efforts that grew out of the MSCP do not necessarily include relevant NGO actors whose activities directly affect planning politics. These NGO elites engage in broadly-inclusive partnerships only when necessary, and it is critical to ask these political insiders why they opt out in order to understand why powerful organizations skilled in partnering absent themselves from partnership institutions in the county. Christopher Sigler and Joshua Guertin, two project directors for the Trust for Public Land, a national NGO that transfers land to public agencies, work in San Diego but are based in San Francisco and fly down as needed. They openly admit, “We didn’t go to a lot of meetings since we’re involved with purchase” (Interview with author, April 2004). Sigler acknowledges that he and Guertin are skeptical of most meetings to coordinate regional planning, since the majority of these groups just involve getting the same assortment of people sitting down at yet another meeting. Sigler reports on the frustration expressed at the most recent effort to begin one of these partnerships: “People were grumbling at the scoping meeting that this was a waste, whether because things had failed in the past or because it was just another meeting to attend. That new age stuff does not help. It’s a lot of feel good, not a lot of deals” (Interview with author, April 2004). Sigler boasts that his group, which spends such limited time on the ground in the region, has conserved 18,000 acres in eighteen years, the best record of any group in San Diego.

Despite their belonging to a national environmental NGO engaged in private financing for public projects, for Sigler and Guertin, getting to yes must take place outside of the MSCP negotiating table. The all-important individual property purchases required for land conservation in San Diego do not revolve around partnership tables and usual suspects at all, but around personal relationships with large private landowners and key players in local government and the development community. Veronica of the state coastal agency avers, “In

San Diego and elsewhere, there is a core group of people whose names seem to crop up over and over again. You need to go beyond that group to make things happen” (Interview with author, May 2004). Deal-makers do not have the patience for what they see as the time-wasting “feel good” of partnering and deliberating in large groups with vaguely-defined ambitions for consensus.

As compared to the more informal conservation regimes discussed in Chapters Four and Five, the mechanics of Sigler’s and Guertin’s activities most closely mimic the machine-like activities of conservation insiders. But what makes conservation machines powerful is their coordination of competition in deal-making and their united front against development, while remaining connected to politically-conservative contacts in the brokerage community. Like the conservation machine insiders, Christopher and Joshua keep a low profile, but this also inhibits capacity-building and knowledge-sharing. Paradoxically, San Diego has a “usual suspects” problem that excludes some of those who could be most helpful in facilitating proactive land purchases and promotion of standards and practices in land management. While key NGO elites like Ben Lowry claim that they remain at arms’ length from local politics because local organizations are “the future of conservation in San Diego” (Interview with author, March 2004), they nevertheless have little compunction about their “function as the gorilla”—and make dramatic interventions when needed. These players care less about deliberating on whether one undeveloped parcel is more ecologically valuable than another and more about gaining access to information on which parcel is available or likely to be developed. Since the MSCP focuses so heavily on conserving land *in exchange* for development, powerful conservation organizations tend to use other inducements to negotiation (usually money or tax breaks) with landowners and would prefer to circumvent the

deliberation table altogether.⁴⁴ High capacity participants with experience in formal partnerships question the recurring emphasis on participation over substantive cooperation among those in the core group of high profile organizations that emerged from the MSCP.

Navigating Productive Relationships among Environmental Organizations: Linking Backyard Environmentalism to Larger Ethics

The NCCP program has divided the environmental community and others active in conservation causes. Nearly all support the broad objectives of the NCCP program, but some have grown to distrust the process and its results. (Pollak 2001, 30)

Researcher evaluations of the MSCP process typically assert that it divided the environmental community. It is true that the plan adopted by the City of San Diego was endorsed by only some of the environmental groups that had been involved in the Working Group process, was opposed by most environmental groups that had provided input unofficially, and even produced split opinions between local chapters and their state-level organizations. Many environmental veterans despaired that a process into which they had put hope and effort ended in a stinging defeat and internal turmoil for many environmental organizations—and not least, a rising profile for a new development-friendly environmental organization that largely acted independently of the mainstream environmental groups. This bitterness and rancor should not be understated, as it still evoked passion in 2004 interviews, seven years after the process had been concluded. The participant who asserted that planners had really listened to environmentalists’ concerns lamented “But we didn’t prevail” (Pollak 2001, 19). Nevertheless, as participants themselves learned, plan approval was not the end of the story.

⁴⁴ As the failure of the Naturelands project suggests, this may in part be a reaction to having tried and not gotten very far by going the route of direct, horizontal partnerships.

In fact, for many organizations in the environmental community, the initial divisions created through the formal process galvanized later efforts to unite environmental organizations more effectively. Their MSCP experience produced experimentation with new alliances—with social justice groups and a libertarian anti-growth group—and led to coordinated litigation against the MSCP and more strategic attempts to mobilize the general public, foster grassroots engagement in new “backyard” organizations, and build a horizontal networking and resource-sharing institution specifically devoted to the needs of local and regional nonprofit conservation organizations. These efforts that grew out of the MSCP developed substantive social capital within the environmental community and are, in the terms of Innes and Booher, second and third order successes of exactly the sort heralded by deliberative theorists, although they are oriented towards a different form of engagement.

Bemoaning the failure of the Naturelands Project as evidence of the failed promise of social capital supposed to be generated through the MSCP would ignore the fact that such a project had to fail, not because the participants were not interested in uniting to educate the public about the MSCP, but because they could not possibly unite with their former collaborators since they did not want to spread the same message. Participating in the MSCP Working Group did not stimulate greater capacity or enthusiasm for participating in later working groups or formal broad-based participatory institutions like the Naturelands Project, but it did stimulate interest among environmental groups in creating new institutions and informal alliances with those who had not participated in order to educate the public about the dangers of habitat conservation planning implementation. In Jane Mansbridge’s terms, the experience of deliberating in the Working Group clarified conflict as well as commonality (2003, 180)—and this conflict actually increased solidarity among environmentalists who had at the start of the program been divided by their approach to formal participation.

This outcome is especially interesting because it points to an area of weakness in the more informalized partnerships in the following chapters, where accomplishments in voluntary conservation achieved through informal alliances with the business community tend to stimulate tensions between larger environmental groups and those with lesser capacity, who either avoid conservation altogether or compete with other low-capacity local organizations for resources from the regimes. Whereas social capital has been leveraged in interagency partnerships and among elites and local and regional jurisdictions much more effectively in the more informalized partnerships, social networking within the larger environmental communities may have suffered as a consequence. Without painting an overly rosy picture or overstating the collaborative social capital developed among environmental organizations in San Diego, this section describes the efforts following the conclusion of the MSCP process to make connections and encourage tolerance among a highly diverse group of organizations separated by missions, mobilization strategies, great distances, capacity, and a variety of other obstacles. These messy and partial efforts to stimulate grassroots coordination without resorting to hierarchical administration may have been dismissed by many as chaotic—including deliberative theorists like Thomas (2001)—but this disarray and combination of formal and informal strategies in part was perceived as contributing to collaborative success.

Not having a single large, high capacity environmental membership organization with longstanding history in the area created a noticeable vacuum in the MSCP process in terms of leveraging the coordination of environmental organizations to negotiate enforceable terms—a vacuum that HAN easily filled by claiming to represent a coalition of local organizations at the start of the MSCP process.⁴⁵ Gradually, the environmental organizations in San Diego have built local networks and infrastructure to collaborate more effectively since, as the

⁴⁵ Later, HAN dropped this league identity and became a membership organization (Pollak 2001, 28).

deliberations continued, HAN's prominence was not based on synchronous positions with those of the other organizations. National chapter organizations began making use of the eyes and ears of members of neighborhood groups to sound alarms during MSCP implementation, and started and supported very small groups of this sort with limited capacity. Angela Bernstein reports on the efforts of the chapter of a national environmental group to start small groups of locals to assist in monitoring and implementation of good management practices for specific areas: "Sierra Club has been trying to start a canyon group for each canyon, having the energy and the people to do that kind of thing" (Interview with author, January 2004). In an area as large as San Diego county, this distributed model was practically effective at alerting the larger groups to potential problems:

Sierra Club is trying to develop these local groups to take ownership and then the different organizations make themselves available to help in any way they can, so if people need plant information, then they come [to us], or if you work with them ahead of time to develop that. And when there's a problem, you try to let them know to help them do their stewardship better. (Interview with author, January 2004)

While volunteer canyon groups oriented around engagement based on residential affiliation ("backyard" groups) work at the smallest scale of geographical concern, larger resource-focused conservancy groups based on river watersheds or coastal lagoons can also connect smaller groups through the watershed and share capacity and resources for volunteer restoration outings; frequently river or lagoon groups are operated out of small offices and have biologists on staff.⁴⁶

Despite smaller groups' limited capacity, the larger environmental groups in the area see these entities as a critical engine for their own missions. Bernstein describes how

⁴⁶ This is highly unusual for small East Coast land trusts of the same ilk, which are usually run by lawyers or those with experience in real estate. In general, biologists and ecologists participate far more frequently as professionals and volunteers in the San Diego site than in the New Hampshire or South Carolina site.

networking with grassroots organizations is crucial to gaining support from elected city or county officials:

We do try to network but it's usually only with other environmental organizations here. That's the only way we get most of what we get done done. The way I've found works is you have to get to the politicians. The way you get to the politicians is providing them with information and then providing them with their own citizens who feel strongly about something that are *outside your organization*. So you work with grassroots groups that are canyon-based or issue-based and have them do a lot of lobbying because generally those are who the City Council people or the Board of Supervisors want. (Interview with author, January 2004, emphasis mine)

As Bernstein shows, very small volunteer groups can and do become engaged with the assistance of larger chapter groups with less “local” authenticity—and larger groups depend on smaller groups to give their concerns legitimacy in the eyes of decision-makers. This is a drastic difference from the partnerships on the East Coast, which perceive very small groups as largely irritating obstacles to decision-making finesse.

The New Hampshire partners see the infighting, lack of capacity, and instability of small groups as a time-consuming diversion and a threat to sound decision-making since such groups are more likely to be induced to negotiate unfavorable deals with powerful developers or transportation departments. The partnership in South Carolina rejects small groups with little record of achievement even if they ask to participate, while New Hampshire's Principal Partners frequently complain that backyard groups are parochial and lack a broader interest in public benefit. These differences in perspective on the potential of backyard groups to make viable contributions on a regional scale are instructive in that the smallest groups in San Diego do not attempt to participate officially in comprehensive planning efforts like the MSCP and as a result are not perceived as threatening to broader environmental missions. The MSCP's highly technical focus makes small groups less useful to developers who might use their engagement to make tradeoffs, and this diminishes their threat to the larger environmental community. Such groups rarely venture into the professionally-dominated “big leagues” of

NCCP decision-making itself, and allow larger groups to interpret for them the ramifications of the MSCP in their particular area of interest. Thus, small groups are important to lawmakers and larger environmental groups partly for their status as non-deliberators.

In the absence of a larger regional conservation advocacy group, local groups try to coordinate on an ad hoc basis for purposes as varied as field trips and litigation. Bernstein describes the importance of leveraging cooperation when deciding to sue: “Uniting with other groups makes things more likely to get done, so when we do lawsuits we tend to get a lot of groups together to do that” (Interview with author, January 2004). But the rich diversity of the San Diego environmental landscape also produces obstacles to working together, particularly since environmental justice groups and recreational/wildlife groups have very different missions. Similar diversity of scope is represented by groups focused on ocean conservation and pollution versus those focused on land-based wetland resources and preserve areas. In trying to build a coalition of environmental groups concerned about how MSCP land at the U.S./Mexico border would be affected by a triple fence, Bernstein notes significant obstacles:

We tried to get a coalition of both environmental and social justice groups together and we never could really make it work out because our interests are different. If they [the Department of Homeland Security] avoided the environmental damage, we wouldn't be opposed to a triple fence. And social justice people can't even go there. So now it's more a matter of keeping people informed about what we're doing and where we can unite, we do. (Interview with author, January 2004)

Despite the failure to generate a formal coalition, horizontal networking within the local environmental community is robust and proactive, and thus is effective at generating responses to emergencies or opportunities for repeated engagement such as field trips, restoration projects, and beach cleanups. The sheer diversity of environmental groups prevents their working together at times, and certainly generates conflict between groups on particular issues, but as in the case of border issues, larger environmental groups have found a way to work together informally on a consultative basis without compromising their missions.

Some groups have even discovered new alliances from these efforts, as with a surfers' environmental group that collaborates with social justice groups, border issue alliances, and Mexican conservation groups on cross-border conservation issues (many Southern Californian surfers also surf in Mexico).

Instead of having a regional “go-to” group for environmental issues in general, the San Diego conservation community cultivates strong lateral ties among the local chapter organizations and has slowly worked to develop a new institution devoted to coordinating the efforts of conservation groups in particular in order to provide a more democratic representative body. The local foundation became more invested in capacity-building for environmental organizations in the 2000s, and has a dedicated staff person (married to the surfers' group director) who works on assisting groups with grant-making and project development in the area. As I was conducting my research, local conservation groups had begun building a local resource networking organization called the Conservation Resources Network (CRN) with the help of the foundation to provide capacity and information technology to smaller groups to enable them to become more engaged in the sorts of state-centered conservation policy-making that has been prohibitively time-consuming and scientifically complex in the past. The website of the newly formed network avows: “The founders of CRN believed that there should be an organized and unified voice for cultural and natural resources conservation at the table when important public policy matters were under discussion” (San Diego Conservation Resources Network 2004). Those involved in brainstorming discussions agreed that this should mimic the already existing horizontal organization of San Diego's environmental community, and should be in the format of a new NGO to manage the coalition, to identify where “holes” lacking subregional representation existed, and to support the formation of new organizations in these places. Forty organizations participated in the planning, and eighteen have joined as members

(Conservation Biology Institute 2003). HAN has been involved in getting CRN off the ground, but the top leadership of CRN has been drawn from representatives of local land trusts and resource-based conservancies.

The experience of the MSCP and the rise of HAN has caused San Diego's community of conservation organizations to ally for litigation, to reach the general public by mobilizing volunteer canyon groups for monitoring and restoration activities, and to develop a new institution to centralize capacity and promote the interests of conservation organizations more effectively in future planning processes. San Diego's robust landscape of participatory, democratically-run volunteer organizations is often messy and lacking in formal coordination, but it also allows for diverse environmental ethics ranging from social justice to endangered species to backyard conservation, and these are generally perceived among the groups as legitimate differences that can be useful for mobilizing different constituencies and getting the attention of politicians. By comparison, the mobilization of different environmental groups in South Carolina and New Hampshire focuses on a highly coordinated and regimented discourse of traditional uses, voluntary conservation, and public benefit, and differences of mission or scale-orientation are intentionally obscured and minimized.

The Promise of Empowered Deliberative Democracy: From Collaboration to Litigation over the MSCP

Even Virginia Reade of the Birders' League, who had such enthusiasm for the leverage her group could gain by participating at the formal negotiating table, openly admits, "The MSCP is a last gasp. It's not the answer for conservation—too little, too late" (Interview with author, January 2004). Less predictably, state officials and those working for NGOs that facilitate and fund public conservation land purchases see the MSCP as largely irrelevant to both conservation and their ongoing work acquiring properties. Veronica Tanner, an official

with the state coastal agency, says, “I’m not an expert but I haven’t been all that impressed that much has changed in terms of better stewardship up front. The MSCP is proactive in that it’s looking ahead, but it’s reactive in that it says development will continue as it has continued” (Interview with author, May 2004). One environmental activist reports, “I spend most of my time today chasing individual projects, which is what I did before. I have as many projects to fight today as ever, but less tools to fight them with... I think we would have had just as good a protection without a plan” (Davis 2003b).

These assertions that the MSCP did little to change the prospects for habitat conservation and endangered species may be true in the long run. However, the MSCP substantially changed the prospects for formal participation and collaboration in environmental decision-making in San Diego County. Deliberative theorists who understand the MSCP as an experimental process whose failures may prove instructive in the future seem not to consider the extent to which perceived failures to achieve participatory democratic ideals change participants’ attitudes to the promise and worth of later processes, however much these have incorporated the lessons from earlier challenges. For many environmental groups, participation in formal efforts in San Diego is perceived as carrying little benefit since a development-friendly environmental organization has gained stature and legitimacy through HCP processes at the expense of groups less able to reach consensus with developers. For those national players looking to make the biggest mark in terms of assembling viable habitat, the politicized negotiations for recognition in the decision-making community that go on at the planning table are too time-consuming and simply irrelevant to the property-oriented deal-making and negotiation with funders and individual property owners that take place on smaller scales but with more substantive impacts. The transparency that planners sought to maintain in the MSCP provided little solace to those who were allowed to observe the proceedings, who nevertheless believed that decisions were made behind the scenes. For those who were parties

to consensus, the formal endorsement of the plan was only the beginning of increasingly difficult efforts to maintain the formal consensus while the plan was being implemented. With little common ground and personal trust underlying the terms of the agreement, former collaborators reverted to litigation. Given these difficulties, planners' decisions to abandon the theatrics of public deliberation and formal consensus for a private, consultative model in later processes is not surprising, and caused little stir among those who knew all too well the limited potential of formal participation.

The formal implementation of the MSCP as a new decision-making forum in San Diego allows us a chance to see how the formal elements of participation might nest into the informal networks of the political community in counterintuitive ways, and with inconsistent results. While the multi-volume plan itself memorializes the process through which it was reached,⁴⁷ the results for the decision-making community over the long-term are less fixed and less clear—and this in itself is a striking outcome, since the MSCP was intended to introduce bureaucratic rationality and a consistent blueprint for all future negotiations into what had been a chaotic, fragmented, and contentious arena. While the MSCP emphasized formality to the exclusion of informal participation, backstage negotiation, and provisional agreement, the MSCP process was actively destabilized by the marginalization of these everyday realities—and with little tacit agreement on what had been formally agreed to, consensus immediately began to erode. On the other hand, the formal process inadvertently increased the value of non-participating small-capacity backyard groups to larger environmental groups, and increased the value of less professional participants to agency officials being pressured for consensus by their superiors.

⁴⁷ Rolfe specifically examines in comparative case studies how the MSCP maps reflect plan negotiations and plan process (2000).

For deliberative theorists, the potential disappointments of the MSCP in producing inclusion, transparency, and consensus-building through the process may be countered by the deliberative skills and deeper understanding of each others' needs and interests participants gained. For those willing to overlook the direct outcomes of the MSCP for the intangible social capital benefits of participating in deliberation, the outcomes are even more intriguing. While all understood the value and difficulty of maintaining informal networking relationships, feelings about the value of formal partnering were far less consistent. While many agreed that interagency, interjurisdictional, and broad-based partnerships were appreciated by outsiders and useful for lobbying in Sacramento or Washington, turning political capital into resource-sharing was a far more challenging prospect, and formal partnerships often died in ground-level implementation for lack of any substantive agreement beyond the idea that partnership was, in the abstract, a good idea. Nevertheless, the San Diego environmental community, which most had viewed as irreconcilably divided by the conclusion of the final plan, had in fact reached a greater understanding of how to work together and ally effectively for particular issues without compromising their diversity of mission or sublimating organizational goals to a more powerful group. The hard lessons learned through the disappointments of democratic participation in the MSCP had been converted into wisdom about where and how conservation groups needed to come together more effectively.

In conclusion, the fate of HCPs as a testing ground for empowered participation in land use politics is similar to that of the fate of ballot initiatives as exemplars of "direct democracy" in the area of legislation. The wave of ballot initiatives in the late twentieth century was seen by political researchers and practitioners as a promising potential avenue towards greater citizen empowerment and participation. As the ballot initiative process became a forum dominated by politicians, interest group professionals, and profit-seeking

entrepreneurs (Bowler, Donovan and Tolbert 1998, 176), so participation in habitat conservation planning is likely to be mastered relatively quickly by a few powerful, elite professionals and entrepreneurial interest groups like HAN and HCC. State and national environmental organizations were terribly concerned that local environmental groups would not understand that the formal venue of the MSCP could lead to cooptation.

But just as California voters' resounding rejection of Governor Schwarzenegger's ballot initiatives in the 2005 election were interpreted as a referendum on voters' frustration with the misuse and overuse of ballot initiatives (Hirsch and Mann 2005; *New York Times* 2005), so the reversion to litigation by local environmental groups in California can be interpreted as evidence of the speed with which the transformation of formal deliberative processes into professionalized interest negotiations is apprehended by stakeholding participants. Litigating can eviscerate the security developers and agency officials gain through formal power-sharing with select environmental groups. The move to sue against, rather than participate in, HCP decisions demonstrates a changing perspective on the supposedly complementary effects of conflict and consensus-based strategies. Rather than condemning the formal MSCP for insufficiently living up to participatory ideals or unevenly transforming the social capital and deliberative aptitude of participating stakeholders, I instead compare it in the following chapters to informalized conservation planning partnerships formed exclusively of powerful, elite conservation professionals. Investigating the tradeoffs these partnerships make in sacrificing inclusion and transparency for substantive consensus-building and social capital formation can produce a much better picture of the relationship between formal democratic ideals and empowerment in U.S. communities.

CHAPTER FOUR

PORTSMOUTH'S GREAT BAY RESOURCE PROTECTION PARTNERSHIP: PRIVATIZED PARTICIPATION

Introduction

This chapter undertakes an in-depth analysis of New Hampshire's Great Bay Resource Protection Partnership as a model of a far less heralded public-private partnership format for land conservation. In this chapter and in Chapter Five, I compare examples that do not follow the EPG model to the San Diego case in order to question the linking of formal democratic ideals and community empowerment. While the Great Bay Partnership pursues more limited formal inclusion and rejects transparency, it approaches ongoing consensus-building and social capital benefits from interagency and interjurisdictional partnering and elite networking far more aggressively. As compared to San Diego, New Hampshire's Great Bay Partnership has been studied far less extensively as an exemplary case of participation or planning, despite some level of recognition of the dramatic results achieved through this approach (Aldrich and Hickoff 1999; Ramsden 2001). The analysis in this chapter addresses the character and complexities of three aspects of the planning process undertaken in New Hampshire in the 1990s, as perceived by my interviewees: how conservation leaders limited participation to a few key players but pursued alternative forms of public input, how the Partnership confronted issues of transparency and equity in decision-making, and how the Partnership emphasized informal consensus-building over the long-term. Finally, I address how a model focused on developing informal alliances among elites and with supportive locals generated social capital benefits in new institutions and within the larger community over the long term.

The central question guiding the analysis of each of the three aspects is: How does the exclusive structure of the Partnership and the lack of formal state authority in implementing

the resulting habitat protection plan compare to the empowered participatory governance model in terms of encouraging deliberation in the local political landscape? Is a privatized format of limited participation necessarily linked to more limited appreciation of democratic values or community support? Just as in San Diego, by understanding how decision-makers engineered inclusion, equity, and consensus-building within the process, we can get a much better sense of how particular groups and individuals responded to and viewed the process in the ways that they did. How did the partners' exclusion of potential stakeholders affect the engagement of local communities? As in the South Carolina case in Chapter Five, we will see that the answer has more to do with the ability of the partners to maneuver within local political contexts, leverage existing social capital, and avoid existing divisions rather than in their ability to create new modes for participation and deliberation.

Whereas Chapter Three on San Diego's MSCP explored a new example of empowered deliberation that relied on formal inclusion of interested stakeholders, the New Hampshire Seacoast's Great Bay Resource Protection Partnership demonstrates a different approach to participation based on leveraging knowledge within existing local institutions. As discussed in Chapter One, I describe the New Hampshire partnership model as "privatized participation" because its leadership, while encouraging some stakeholder engagement, specifically excludes the growth interests that were such powerful players in the San Diego case. Whereas in San Diego, developers were induced to conserve because of a planning formula that traded development rights in one place for conservation in another, in New Hampshire, the Partnership is oriented towards conserving as much land as possible and preventing developers from controlling the pace and extent of conservation. Both the San Diego and Seacoast planning regimes prioritized areas within a selected region as having the highest conservation value according to a set of predetermined parameters, and then determined whether it was feasible to set aside such parcels. While this was a matter for

deliberation—and, often, negotiation—in the San Diego MSCP, in the Great Bay Partnership, partners claim that consensus on which lands are important and which partners should assume control over projects in priority areas happens almost naturally, with very little debate.

Whereas national environmental groups deferred to local groups in San Diego, most of the major players in the Great Bay Partnership do professionalized advocacy work on a national level, but they work closely with communities in the Seacoast to act on issues of local interest without accusations of meddling, even more surprising in that New Hampshire is a “home rule” state with fiercely independent townships. That so much consensus on conservation priorities is possible across different scales and among townships might baffle someone familiar with the contentious politics of other environmental issues in New Hampshire, such as coordinating municipal wastewater treatment or monitoring the nuclear power plant.

The Seacoast regime’s informalized decision-making processes differ dramatically from the inclusive, public deliberative process of the California MSCP. Nevertheless, substantive conservation has occurred in New Hampshire as a result of the Partnerships’ activities,⁴⁸ and has had far-reaching effects on property in private hands. This chapter describes how the outcomes achieved by large state and national partners in New Hampshire are extremely sensitive to town governments, elderly residents, local conservation organizations, and townships’ pride in their independence. As the analysis to follow will show, the Great Bay Partnership’s sensitivity nevertheless prevents it from pressuring resistant landowners or attempting to persuade those not inclined to support its efforts, and it has built reserves of social capital among agencies and jurisdictions that may come at the expense of more robust networking and relationships among local environmental groups, in contrast to

⁴⁸ From 1998-2004, 8,800 conservation acres were added in Rockingham County (site of the towns surrounding Great Bay) to an existing 50,000, as compared to the City of San Diego’s 12,000 conservation acres added to a baseline of 22,000 in approximately the same time period (Forelands Forever report 2005).

San Diego. As we will see in Chapter Five, this differs dramatically from the South Carolina partnership, which excludes local governments and has little respect for local objections, but is more effective at overcoming obstacles to participation and mobilization.

A Top-Down Approach: Agency- and NGO-Sponsored Efforts to Promote Voluntary Conservation of Wetlands

As in Chapter Three, a brief introduction to the formation of the Seacoast regime allows for a better understanding of how the Great Bay Resource Protection Partnership fit into the existing landscape of local decision-making in the 1990s. The beginnings of the Partnership were slow and deliberate, and benefited from some fortuitous circumstances as well as the changing demography of the region. As in the San Diego case, federal and state agency officials were active in encouraging the formation of the Partnership. It officially got under way in 1994, but some key events preceded and made possible the Partnership's formation.

While the Great Bay's 150 miles of interior coast are an important addition to the small eighteen-mile exterior coastline in New Hampshire, its polluted waters and dangerous tides made it undesirable for recreational boaters for most of the last century. The New Hampshire legislature made plans to control and develop the Bay by damming it in 1945, and by building an inland waterway in the 1960s, but neither of these plans were put into practice because the legislature never appropriated funds for the ambitious projects (Wellenberger 2003b). In the 1970s, Aristotle Onassis's plan for building the world's largest oil refinery on Great Bay was the most significant threat to the Bay yet, but was defeated by local resistance through new home-rule legislation. The New Hampshire legislature "after much fanfare, refused to override local home rule and the refinery was never built" (Wellenberger 2003b,

2).⁴⁹ The legislature, which had almost doomed Great Bay earlier in the century, ended up saving it by their inaction on three separate occasions.

But the critical positive strokes towards targeting the Bay for conservation rather than development came from an alphabet soup of state and national agencies: the New Hampshire Office of State Planning (OSP), the New Hampshire Department of Fish and Game (DFG), the National Oceanic and Atmospheric Administration (NOAA), the U.S. Fish and Wildlife Service (FWS), and the Environmental Protection Agency (EPA). Under the Coastal Zone Management Act of 1972, the Office of State Planning was prompted to develop a Coastal Program, which was critical to establishing Great Bay as a NOAA National Estuarine Research Reserve site (NERR) through a nomination process begun in 1982. The Great Bay National Estuarine Research Reserve was formally designated in October 1989, with Governor Judd Gregg presiding over the festivities. The original land area of the NERR was 850 acres, under the management of the New Hampshire Department of Fish and Game, funded with federal grants from NOAA (Wellenberger 2003a). More federal investment in the Bay came in the form of disinvestment in Pease Air Force Base, recommended for closure in December 1988. In August 1992, the Department of Defense conveyed 1,100 acres of undeveloped base property abutting the Bay to the U.S. Fish and Wildlife Service for creation of the Great Bay National Wildlife Refuge, which opened to the public in 1996 (Pease Development Authority 2005).

More directly critical for the origins of the Great Bay Resource Protection Partnership itself was the approval of the North American Waterfowl Management Plan (NAWMP) by the

⁴⁹ Also dooming the refinery was the fact that the project's Houston engineers did not realize that the water they had planned on cooling the refinery with was actually brackish. One of my interviewees pointed out that if project planners had been savvier or more familiar with the area, they would have located the project on a larger freshwater river in an economically desperate former milltown which would have welcomed the refinery, rather than in a well-mobilized anti-war university town on a tidal creek.

U.S., Canada, and Mexico in 1986, which designated the Great Bay as a “focus area” of critical wetland habitat for migrating waterfowl along the Atlantic Coast flyway (Brickner-Wood 2003). The North American Wetland Conservation Act of 1989 (NAWCA) supported the development of public-private partnership efforts to protect these focus areas through the North American Wetlands Conservation Council, which provides competitive federal grants for watershed conservation projects in the NAWMP focus areas. The U.S. Fish and Wildlife Service’s Division of Bird Habitat Conservation administers and evaluates grant applications, and regional Fish and Wildlife employees encouraged the formation of the Partnership and were involved in its initial grant application, according to the Partnership’s coordinator, Kay Truitt: “In 1994, the Partnership came together for the NAWCA funding cycle, and they were encouraged by the Fish and Wildlife Service to put an application in. And that application was actually written by the Fish and Wildlife staff” (Interview with author, September 2003). The initial partnership consisted of eight official members: two national conservation organizations involved in administering NAWCA (Ducks Unlimited and the state chapter of the Nature Conservancy), two independent state conservation organizations (New Hampshire Audubon, which was not associated with the national organization, and “Forestlands Forever,” a respected, high capacity membership organization that had led state conservation activities since 1901), the state Fish and Game Department, the Great Bay NERR, and the EPA and FWS. The Partnership’s 1994 and 1995 applications were approved, and were the first two of four NAWCA grants so far. All four grants have been matched two to one with other funding sources (Brickner-Wood 2003).

The Great Bay estuarine “focus area” involved 272,000 acres and 24 separate towns, which did not allow for much focusing of the Partnership’s considerable but finite collective resources. From Fall 1995 through April 1997, the Partnership developed a “comprehensive approach toward providing protection to the region’s important habitat areas” by developing a

Habitat Protection Plan (HPP) using GIS to map the Great Bay region's most important resources and conservation properties. The HPP identified 14,000 acres of habitat important to fifty bird, fish, and reptile species, and further organized this acreage into twenty-five "Significant Habitat Areas" ranging from 400 to 10,000 acres (Brickner-Wood 2003). Within the Significant Habitat Areas, the Partnership designated "Project Areas" and these were ranked in order of priority. The ones at the top of the priority list then became "the focus of protection efforts" (Brickner-Wood 2003)—primarily through encouraging the sale or donation of properties or development rights from willing landowners. The first project area the Partnership protected using NAWCA funds was the Crommet Creek area, the site formerly threatened by the refinery in the 1970s. Using NAWCA and NOAA funds, the Partnership has managed to protect over 4,000 acres of the 14,000 targeted using over \$56 million in federal funding (Rath 2005). These funds are critical given the cost of real estate in the newly desirable coastal area on the outskirts of the Boston metropolitan region; land values in Rockingham County increased 107 percent between 1998 and 2003. The growth rate from 1960 to 2000 in Rockingham County was 180 percent, with the growth rate in one Great Bay town reaching as high as 515 percent (Hartman 2002).

With so much federal involvement, and the fact that more than half of the participants at the Partnership table come from groups and agencies with national scope,⁵⁰ one might expect the Habitat Protection Planning process in New Hampshire to be hardly local at all. Federal officials in San Diego saw the MSCP as a chance to diminish community-level litigation, so they were necessarily interested in adjudicating local stakeholder relations. Federal officials also got the ball rolling in New Hampshire, but they were less interested in promoting détente or regulatory improvements than in jumpstarting a new policy for voluntary habitat conservation, whose administration would be taken over by the relevant conservation

⁵⁰ The Natural Resources Conservation Service was added as a ninth partner later.

NGOs. In contrast to San Diego, not one community-level organization was officially included in habitat planning or decision-making about prioritizing and pursuing properties in project areas. The ways that these powerful agencies and national and state organizations implemented community-level participation in comprehensive planning provides an optimum opportunity to test the importance outside organizations place on formal democratic ideals as a route to regional consensus-building for their own conservation goals.

Engineering Privatized Engagement: Leveraging the Culture of Participation in New Hampshire to Cultivate Local Knowledge and Support

With so many powerful organizations and agencies involved, there was substantial uncertainty when assembling the Partnership regarding how these high-capacity groups should work together and whether their ad hoc cooperative efforts would benefit from a formal collaborative institution requiring resources and precious staff time. The organization representatives and agency officials who got together for the first NAWCA grant application were occasional competitors, and were initially reluctant to devote their energies to a formal partnership, despite encouragement from FWS officials. Kay Truitt, an independent planning consultant, describes how this wariness to commit staff to a formal partnership led to her appointment as coordinator of the Partnership:

And we had this meeting where all the major players... got together and Earl Mercer and Russell Kowal and others from FWS said, "Look, you've got something here, you really can use this to go to other NAWCA applications, but how are you going to stay together as a partnership?" And everybody's just like, "We don't have the staff time... to write another grant"... Everybody was feeling crunched. And so FWS said, "Okay, part-time position contract. We'll put up half the money." Kind of like a friendly challenge, so I think EPA stepped forward and said we can help, we'll get some money from somewhere else and they decided to keep me on as the coordinator. (Interview with author, September 2003)

Truitt's availability was fortunate, since she had substantial depth of experience as a public and private sector planner, and was familiar with the Great Bay towns because of her contract work with Forestlands Forever.

Even with a coordinator experienced in public and private sector planning, the ideal format for a partnership of this kind was still unclear. As in the San Diego case, there was very little precedent to go on in terms of what organizational structure would be best for adjudicating the interests and potential contributions of so many powerful agencies and organizations. Despite the fact that they had worked together informally before, Truitt decided to take a few months to ask partners how they envisioned the administrative framework:

It was very interesting because I went around and I talked to everybody, saying, "What do you see the partnership looking like? What's the organizational framework? How do we communicate, or what are the issues on how to write grants? And we just went around for a month or two, and just talked to, oh, all these folks I knew and had worked with, but just, you know, "How do you form this thing?" There's no model out there. (Interview with Author, September 2003)

Despite having worked together previously, there was initially some anxiety over whether participation in the Partnership might cause friction. Whereas in San Diego, groups hesitated to join the partnership because they were wary of the risks of negotiation with adversaries, in the case of the Great Bay Partnership, worries revolved around the idea of competition among so many groups with similar interests, as Truitt describes: "We all worked very well, we meaning the eight groups, worked very well together on the first two applications, but you know, was there going to be, 'Oh, you're fundraising and I'm fundraising? Or I want that property and you want that property?' We had no idea" (Interview with author, September 2003). In retrospect, Truitt reflects that this process of deciding on a formal structure with clearly-defined roles and staffing responsibilities set the tone for future decision-making based on deliberation:

I look back at that and think it's very interesting how we sort of came to this agreement and it's really how the Partnership has come to agreements, we came to this agreement through a lot of discussion... So the two things that happened was I was to work for the Partnership, I was to be contracted with TNC, but my contract's written so I answer to all those organizations and TNC was going to be the lead financial depository as well as commit some staff time. So that came about in April of 1997 and we still have no money. Which, you know, we all laugh about now. We're like brave new world, just go ahead and put this thing together! (Interview with author, September 2003)

While the agreement on TNC as the lead acquisition agent came relatively easily, particularly since TNC had put in the original grant application, the decision of how to organize the administrative authority in the Partnership took far more deliberation. Truitt, who had done contract work as an independent consultant for organizations like Forestlands Forever, but was unaffiliated with any of the organizations at the time, reports on how she came to be a part-time paid coordinator of the Partnership: "And we just kind of put everybody's thoughts together and we talked about it and decided on this somewhat loose framework but the framework that we came up with was I was to have nine bosses, that it was better that way because we didn't know how much competing interests there was going to be" (Interview with author, August 2003). The two-month process of deciding that Truitt, as a planner with substantial contacts to local communities, could be a neutral facilitator who answered to "nine bosses" is in stark contrast to the Task Force in South Carolina, where such decisions were made by fiat in the course of a single meeting. Both regimes anticipated the possibility of competition among regime members, but Truitt's professional administrative role was seen by the Partners as a subordinate position to Partners who would direct her equally, whereas in the South Carolina Task Force, the Chair has authority over the Partners to make decisions and adjudicate potential disputes. As the group decided on their formal relationships to each other, however, they also needed to consider whether to invite other organizations or local representatives to the planning table.

Dividing Formal Participation Categories: Balancing Inclusion with Organizational Capacity and Process Efficacy

Figuring out how to structure the participation of other organizations and local communities in the Partnership was far more difficult than deciding how to structure the relationship among the originating groups. Other organizations and local communities were not consulted on how they themselves would prefer to be involved. Instead, Truitt led group deliberations among the agency and organization representatives about her philosophy of balancing the local support the group might gain from inclusion with the group dynamics required for effective decision-making. Partners wanted the process to be fair and inclusive of local opinions, but they also feared it getting bogged down by conflicting input. With Truitt's professional background in community planning, there were many discussions about who should be invited to participate and what was the most productive group size: "When we were talking about 'What is this partnership? How should we organize it?,' the question became, 'How big should this table get?' ... And again going back to group dynamics and my leanings on that. I didn't want this huge table, no more than twelve people per meeting, somewhere between eight and twelve I thought was a good group size, that was one piece of it" (Interview with author, August 2003). Truitt in particular was firm that the Partnership not dilute its effectiveness by making the table "too big," a direct contrast with the San Diego case where the Working Group's legitimacy came from its inclusiveness of community stakeholders. As compared to the South Carolina case where local communities and low-capacity groups were unhesitatingly excluded, inclusion was considered important by the partners, but in this case, it was also feared by the agencies and organizations who would have the task of managing and accommodating local input. This "fear of public participation" as time-consuming and unwieldy on the part of administrators is well-documented in habitat conservation planning

(Anderson and Yaffee 1998), but diminished as something to be gotten over; Anderson and Yaffee argue that agencies and organizations “stand to gain significant benefits if they learn to manage public participation effectively” (1998, 4). Partnership members in this case rejected wholesale voluntary inclusion. Instead, they developed a two-tiered participation program that favored stakeholders with the organizational capacity and resources to participate consistently and effectively. Like the Working Group’s method of inclusion, this decision had ramifications for groups’ decisions to involve themselves and outside observers’ perception of the process.

The Partnership had the easiest time including other state agencies that had not been involved previously but might have a stake in the proceedings. Truitt recounts that fortunately, two of the three they approached did not see a compelling interest in belonging to the Partnership, but one did and has been a valuable addition: “Should anybody be added to that list? And we did approach three other state agencies, and only one said yes. Natural Resources Conservation Service came on board, and that’s been wonderful” (Interview with author, September 2003). This addition brought the official Partnership to nine members, which for Truitt has been an ideally manageable size for making progress, a goal all the groups can agree on: “And it was really important, we had come to this point, the partners we all discussed, that we have a forward motion” (Interview with author, September 2003).

In San Diego, organizations who could not accept the risk of formal engagement opted out of participation and some agencies were left out accidentally. In New Hampshire, additional agency participation was solicited but two opted out, each for different reasons. Understanding these rationales helps to better understand how the Partnership’s potential, and its potential drawbacks, were understood by state agency officials. Although Forestlands Forever was an active participant, the state agency responsible for forests was not interested in joining. In Truitt’s estimation, “they declined because they just didn’t see a great presence in

the Seacoast region... they're interested in larger tracts in the north country" (Interview with author, September 2003). Such reticence indicates the extent to which New Hampshire's state agencies are hesitant to commit staff resources simply for the sake of participation itself if they do not see an agency-specific benefit. This attitude is a clear contrast to that in San Diego where Veronica Tanner of the state coastal agency points out that partnerships hold together because "partner agencies have bought into the idea that partnership is valuable for them." On a professional level, the reluctance of partnership members to formalize the Partnership initially, and the opting out of the forest agency, demonstrate that contributing staff hours for participation as an end in itself is not a universally popular concept, and staff time is protected as a valuable resource.

Additional insight on the opting out of state agencies can be gained by comparing the perspectives of Kay Truitt and Marvin Warren, a staff member from another state resource agency that had been invited but declined formal participation in the Partnership. In discussing these groups' rejection of the Partnership's invitation, I asked Truitt:

CL: Would you have wanted those people to be at the table?

Truitt: I think all that worked out. I think they were all good decisions. I mean, [state agency] funding has been important. I'm glad they've been arms' length, because it would have been kind of funky if they had been at the table. So it's worked great. (Interview with author, September 2003)

Warren's agency was involved in getting the Great Bay project off the ground, by providing logistical support and some continued funding for planning and other Partnership activities. However, in his opinion, the reason for the agency pulling back from formal participation in the Partnership had less to do with propriety and more to do with letting NGOs run their own process in Great Bay and devoting resources to other areas and programs. Warren noted that his agency was providing "minimal" help on the Great Bay at that point because he felt

comfortable letting the Partners take over tasks that might otherwise fall to his increasingly-strapped program.

Warren's willingness to take a backseat role is telling in terms of how federal funding can indirectly help state agencies with less secure funding streams. Since the Partnership is so adept at attracting federal dollars for land conservation, state-level resource managers and planners been relieved of an area of potential responsibility. Victor Hanlon, the director of the NERR, describes the attitude of state agencies as primarily determined by frugality: "This state never wants to spend money on anything!" (Interview with author, September 2003). At the time of my interviews, the Republican governor had just slashed the budget and reorganized the offices of state environmental and planning agencies, effectively limiting their capacity even further. While membership in the Partnership might have afforded these agencies significant power in determining where federal funding might best be applied, they were comfortable yielding such power—even for projects in which they had been heavily involved—in exchange for surrendering responsibility over a large, expensive effort. Rather than seeing the Partnership as the only way to be involved in high stakes decision-making in the coastal area, these agencies understood the Partnership's activities as a complementary boon to their own work, and maintained a supportive, but distant relationship with the Partnership and its members.

While the San Diego MSCP provided incentives for participation to attract developers and environmentalists and commit them to the deliberative process, the Great Bay Partnership never considered allying with or including adversarial development interests. This simply would not have made sense since the Partnership was concerned with confidential discussions over which property owners might be interested in selling their land. The Great Bay Partnership was concerned with whether property could potentially be conserved; the San Diego Working Group, in defining properties that must be conserved, could be assured that

developers' knowledge of willing sellers would not scuttle plans since such property was off limits. Due to the Great Bay project's dependence on voluntary conservation and willing sellers, the Partners simply intended to work independently of developers, and, if possible, beat them to the punch or block future projects by persuading landowners to sell to them instead. Since the Partnership had no formal authority, they were able to exclude developers as an obvious threat to their goals.

Engineering the limited inclusion of less threatening community players required a plan, however. Once decided on a small decision-making table of nine, the Partnership somehow had to deal with the local conservation organizations that had not been invited to the decision-making table. For these potential participants, the lure of federal money for local projects was irresistible, and many sought to join. But keeping the group "manageable" by restricting it to partners with substantial capacity was worth offending smaller stakeholders for Clarence Rogers, the Great Bay project director of the state Nature Conservancy chapter: "There have been groups that have wanted to join. We had nine original members. We've so far kept it at nine, probably offended some people. It's manageable with nine. If we had eighteen, you just get too many, it's too difficult. And all of those nine bring either expertise or money or program with them that's important" (Interview with author, September 2003). In order to rectify their apparent exclusion of locals, the Great Bay Partnership came up with their two-tiered scheme, in which the core group of nine would be designated "Principal Partners."

Even this decision was subjected to deliberation, which Truitt describes as a creative process:

It was decided to organize into Principal Partners, and we were making up the names too. "What do you want to call yourself? The Executive Committee?"

"No, no, no!" [laughs].

And we had fun thinking about, “What should we call ourselves? I want to be the Big Cheese!” [laughs]. (Interview with author, September 2003)

Deciding on an appropriate approach for the second-tier partners required more serious deliberation. Regional commissions, local organizations, and town governments were designated “Community Partners,” who would be involved and have their own quarterly meetings but would not be privy to the private deliberations of state and federal agencies and state and national conservation groups. Truitt describes the process of deciding on the right strategy for dealing with these “included” members who would be excluded from the actual negotiations:

However, we didn’t want to, we went back and forth on this, we had a number people who wanted to become Principal Partners and we said no. Recognizing that the community and the regional component was an important one, we needed a way of including them in the process but making it basically manageable, so we came up with this idea of Community Partners. When we get into an area, we work very closely with the town, the land trusts, and the conservation groups... And these little luncheons four times a year is one way for us all to touch base. (Interview with author, August 2003).

In creating a role for Community Partners, the Great Bay Partnership recognized the importance of ongoing grassroots involvement, and allowed for the formal inclusion of all interested parties, albeit at a subordinate level. The Partnership resisted empowering local participants at the same decision-making level as national and state NGOs—certainly an example of the exclusion of grassroots entities from privatized decision-making at higher levels that has prompted the devolved approach of EPG, and criticisms of national advocacy groups from theorists like Skocpol (2003). Interviews with Community Partners indicate that, despite the deliberations over inclusive nomenclature, the differences in participatory categories for big and small players was clearly understood. Shawn Hardiman, director of Countywide Conservancy and a former Forestlands Forever employee, describes the relationship in clear superior/subordinate terms: “We’re one of the Minor Partners, I think.

There's the Steering Committee, or whatever it's called, with the nine Major Partners, I think it is" (Interview with author, September 2003).

Community Partner meetings were led by Kay Truitt, and not attended by the other Principal Partners, so Truitt ended up serving as an intermediary between the smaller NGOs and the larger NGOs. Mae Bodnar, Ducks Unlimited's Principal Partner representative, reports that these meetings are important ways for her organization to stay in touch: "She [Kay] has these round table luncheons where she meets with all of the local organizations. So that's the only way we're keeping the communication open. Plus phone calls and stuff in between. But those are really helpful to keep both of us up to speed. And we have Kay being the consistent person in the middle" (Interview with author, September 2003). This intermediated relationship between local and larger state and national organizations is much more limited than that in the South Carolina Lowcountry, where groups like the Nature Conservancy and Ducks Unlimited interact directly with community organizations over the phone or in person on a weekly basis.

Whereas Anderson and Yaffee assert that a major failing of HCPs is inadequate management of expectations of participation, such that "FWS staff often poorly define the roles of outside stakeholders..., leave outside stakeholders with false expectations... fail to ensure that participants central to the process... have adequate resources to participate" (1998, 4), the Partnership clearly defines the more limited role of these stakeholders and their more limited responsibilities. Community Partners usually participate actively only when they are directly involved on a property within a targeted Project Area, and the burden of involving themselves in the Partnership on this "perpetual," if cyclical, basis is far less significant than the burden of participating in the Working Group. Whereas community groups participating or observing Working Group meetings attended as many as 70 two to three hour meetings over a seven year period, even a Community Partner who had attended every single quarterly

lunch since the Partnership began twelve years ago would have attended less than 50 meetings. Additionally, whereas volunteers in San Diego resented the fact that other participants were getting paid as professionals to participate during inconvenient working hours, the Community Partner meetings cater to busy individuals who may be volunteering their time—the round table lunch I attended was an informal hour-long affair at a local pizza joint where the agenda was driven as much by conservation-related gossip as official business, and attendees paid for themselves and arrived or left as schedules demanded.

While the Community Partners include a wide assortment of river advisory committees, local and regional land trusts, conservation commissions, town representatives, and other groups with an interest in conservation, it is important to note that the participation of Community Partners in the Great Bay Resource Protection Partnership was also more limited than local groups' involvement in San Diego in two other significant ways. Firstly, groups that participate as Community Partners do not include all groups devoted to environmental issues, but only those groups with an explicit stake in conservation or a targeted resource. Thus, there is no bloc of “enviros” negotiating the terms of inclusion or wary observation as there was in San Diego. Whereas the San Diego Sierra Club was deeply involved in the MSCP negotiations, the local chapter of the Sierra Club in New Hampshire had very little interest in participating in the GBRPP. In my interview with John Sumner, the volunteer chair of the Seacoast chapter, Sumner expressed a lack of interest in the Partnership's conservation goals and was far more committed to local environmental issues of nuclear power, industrial waste, and public transportation. Additionally, his organization was involved in engaging the Democratic presidential primary candidates on issues of national environmental importance, and he spent most of his time and energy with the group attending campaign rallies. Even regional wetland-related groups with professional staff, like Clean Water Action and Seacoast Anti-Pollution League, were glad to meet with me to discuss their

interest in conservation but avowed little interest in the Great Bay,⁵¹ most taking the position of Marvin Warren that the GBRPP's efforts to prevent habitat destruction and sprawl in the Great Bay area meant they could focus their energies elsewhere.

The lack of interest of many environmental groups in getting involved in the conservation activities of the Partnership points to another difference from San Diego, which is the absence of groups formed specifically for the purpose of participating in the Partnership. Whereas in San Diego, the leadership behind HAN and HCC took advantage of the opportunity the MSCP provided for new advocacy groups, neither developers nor environmentalists felt compelled to form new groups in order to participate effectively in the GBRPP. On the one hand, this could be because these parties simply were not interested in the power afforded to Community Partners, since their roles had been constructed from the start as limited. On the other hand, this also may indicate that the room allowed for self promotion was necessarily foreshortened by the two-tiered format of decision-making, where consensus-based deliberation was afforded to the invited Principals, but outside stakeholders had to settle for a consultative role with a limited audience.

As the previous description of the engineering of participation in the GBRPP indicates, deliberative decision-making in the Partnership was closed off to all but the Principal Partners: the most powerful state and national organizations and agencies. Those community groups who did want to be included as Principal Partners were declined, and shunted to the secondary category of official "Community Partners," a broad and inclusive category of local private and public representatives who would meet together four times a year on a purely consultative basis. For some, the Partnership's adoption of expensive strategies to forestall development in the Bay were either a distraction or a relief of pressures in a local

⁵¹ These groups are historically far more invested in industrial waste, urban runoff, and in the case of the latter, threats from the Seabrook nuclear power plant.

environment with many pressing environmental concerns. No group committed to more radical environmental ethics—and there were plenty of local environmental activists with a history of public protest—observed Community Partner meetings with an eye towards monitoring more moderate groups’ activities, or publicly accused the Principal Partners of behind-the-scenes alliances with elite interests at the expense of social justice and less valuable species.

The professionalization of deliberative decision-making and the role of large national nonprofits in determining the fate of the Great Bay illustrates Theda Skocpol’s anxieties about the disempowering effects of professionalized national advocacy organizations (2003, 289). However, simply because the Partnership marginalized representatives with lower capacity in a voluntary, consultative role that made no redistributive claims of power-sharing does not mean that that the Partnership neglected local input or thought that formally designating the expected “usual suspect” organizations as Community Partners was the final word in involving the community. In fact, the professional Principal Partners were all vocal about the extent to which voluntary formal participation would not lead them to better-informed decisions because so many potentially valuable local stakeholders could not be expected to come to the Partnership. The Partners would have to seek these stakeholders out.

Whereas those who participated in the MSCP as volunteers chafed at exhausting sessions that so clearly favored professionals, New Hampshire’s Principal Partners, all professionals, were careful not to overtax local volunteers with poorly-timed meetings, public comment only after long deliberative sessions, or duplication of prior engagement efforts. Despite New Hampshire’s history of participatory engagement, Partners were still sensitive to the demands of contemporary life and the limited time community members had to devote to participatory efforts, in part because they often served in volunteer positions themselves. Rodney Dennis, a senior official from Forestlands Forever, admits that public engagement is

important, but a challenge: “But as is the case everywhere, not just in New Hampshire, it’s getting harder and harder to get people to come out and participate and take part in these collective processes to make their communities better places to live and it tends to be the same people” (Interview with author, September 2003).

In order to avoid the “usual suspects” problem that Dennis notes, the Partnership took pains to make engagement as worthwhile as possible for participants, and sought out those existing institutions and networks that might yield valuable local knowledge. In terms of making the planning process worthwhile, Kay Truitt and the other Principal Partners recognized that it was critical to seek information and support from existing local institutions like regional planning commissions and town conservation commissions. But it was also important not to duplicate the efforts of regional planning processes that had already occurred. Clarence Rogers, the TNC representative, notes, “one of the Partnership’s objectives is to build on what other people have done in the past” (Interview with author, September 2003). Allen Sperling, an outreach coordinator for the Great Bay NERR who held volunteer positions in government and a local nonprofit, claims that professionals need to use existing resources to avoid asking for input that has already been sought: “I see our role of trying to find ways with our professional peers to facilitate that effective utilization of resources so there isn’t duplication of effort so you’re not driving these people crazy!” (Interview with author, September 2003).

To do this, the Partnership took advantage of information from the defunct state Land Conservation Investment Program (LCIP), which had purchased conservation properties and contacted landowners between 1986 and 1993.⁵² The Partnership made sure to “include the information gathered during LCIP’s operation and to incorporate that knowledge into renewed

⁵² A similar program, the Land and Community Heritage Investment Program (LCHIP) was restarted in the late 1990s, but such programs are dependent on capricious support from the legislature and governor, and LCHIP has faced many battles over adequate funding.

contacts with landowners” (Brickner-Wood 1997). In order to build on the momentum begun by LCIP in case additional funding did become available, Forestlands Forever had contracted with Kay Truitt to run a two-phase community-based conservation project, the New Hampshire Coastal Initiative Project. The first phase involved contacting local conservationists in all twenty-four communities and asking them to map remaining lands they believed were in need of protection, which Truitt did in 1994 through 1995. Truitt noted that although these meetings were designed to solicit grassroots input, they also were brief and to the point. She prepared local resource maps ahead of time and strictly limited locals’ input to specific improvements they could add to future maps based on their knowledge of the local landscape:

I don’t believe in it being so wide open that it’s chaos. I also believe in very structured, very specific questions. I think you need to ask people specifically. I think there’s nothing worse than being in a meeting and sitting around thinking, “When is this thing going to end and what’s the point? And why am I wasting my time?” I’m busy enough where I don’t want to sit in meetings like that. When I come in, I say, “Okay, this is what I need. I need you to see your community. Think about these habitat areas that are recovering now. What would you do if you had no limitations? Would you have any changes you would make to this?” And great discussions have followed. (Interview with author, September 2003)

The second phase involved mapping this information in a GIS data layer, and returning to the communities with resource priority maps that contained a data layer with their own input, so local priorities and Partnership priorities could be superimposed. These resource maps would be “ground truthed” for community members’ review and any additional feedback—meetings which Truitt calls “drawing parties” because community members were provided markers to amend the tentative lines on acetate maps of their region. Given that many of the six communities with frontage on the Bay had active Conservation Commissions and Planning Commissions that had already identified areas of conservation value in master plans or open-space plans and had begun their own protection strategies with small amounts of

funding, Truitt made sure to consult with these bodies in order to see how Partnership activities could fit in with existing plans. Finally, since many local organizations already had regular contact with landowners in the area, as the Partnership was beginning to take shape, the Principal Partners held “a round table meeting of local conservationists... to gather information about landowners and properties, and to clarify local properties” (Brickner-Wood 1997, 4). The planning report for the GBRPP from December 1997 specifically notes that: “These organizations and commissions have been active in landowner contacts in the Great Bay area. Frequent communication was maintained to avoid landowners from being contacted by more than one organization. Information was exchanged as to determine the most effective means of contacting and communicating with certain landowners” (Brickner-Wood 1997, 5).

Through the abovementioned methods, the Great Bay Resource Protection Partnership was very cautious in its approach and spent considerable time gathering preliminary data from communities. This served two purposes: it prevented duplication of previous efforts, which might alienate those who had already participated in some form in developing conservation plans, and it capitalized on existing sources of social capital through local institutions, organizational contacts, and personal relationships. This slow, deliberate start proved useful in engaging the participation of town governments, local place experts, and landowners, and generated substantial public support for Partnership activities and goals. By avoiding duplication of efforts in new planning projects, the partners acted as sensitively as possible to the limits of local participatory capacity, and were able to capitalize on existing resources and institutions in the community. Nevertheless, this hesitancy to depart from existing institutions or tax local attention spans and resource bases actually led to the creation of new local sources of funding and an expansion of interest in conservation beyond the Partnerships’ own limits.

Although they realized that support from towns was critical, initially the Partnership thought towns might resist Partnership activities as a threat to their income from property taxes, as Truitt describes:

Very early on we were very concerned about that and what we were concerned about was this, and this is New-Hampshire based: we are completely dependent on property tax, there's no state income tax, no sales tax, live free or die... and we were very concerned about taking properties off the tax rolls... That was a huge concern in '97, and it's pretty much evaporated for a couple of reasons... That issue has really died down. They're like, "Thank god, you're here, you're protecting land, and you're not spending our money doing it." It's been much more embracing. (Interview with author, September 2003)

Clarence Rogers remembers that there was some initial resistance, but that over time, the success of the Partnership generated increasing enthusiasm from the towns: "When we started the outlook was grim, the towns kind of looked at us crosswise when we told them what we wanted to do. And I think once we started demonstrating some success, they started to get on board and they turned around and they're raising their own money for land acquisition. I've been doing this for forty-one years and I haven't seen much of that [laughs]" (Interview with author, September 2003). Principal Partners attribute the widespread and unexpected participation of towns to a number of factors besides success.

First, as Truitt described, towns enjoyed the opportunity to participate in her two-phase planning project since they felt as though their concerns were not just taken into account but brought back to them for approval and review. This contrasts starkly with public comment meetings on preliminary plans in San Diego, where members were uncertain of how their comments would be integrated into the plan, if at all. Truitt describes her excitement at town engagement:

And they would also kind of move, and actually, I thought they were going to tear the areas down, they expanded them. And that was really cool for me, look at this, Oh they expanded it! And again it was touching base, and not in a manipulative way but in an honest way getting buy in because we had been there, you know not even two years prior and then we're adding this

information to it and this is what we want to do with it. (Interview with author, September 2003)

By designing community input as an ongoing series of conversations built on shared history, Truitt claims that communities not only made the plans technically better but were empowered to sometimes literally “buy in” to the project. This was not a manipulative effort at formal cooptation, because the intent of getting town participation had been to improve the Partnership’s product (the plan), not to legitimate the participatory process. She is still able to reap the dividend of these earlier planning processes many years on:

They said, no you really need to make these two different areas. Or you know what, you really need to include this complex around here. That’s the kind of direction we got. And of course, besides them helping to move the lines around, it laid the groundwork for what we’re doing now. I’m still going back into those communities all these years later and saying, “I need cash to do this NAWCA grant. Can I have \$10,000 to do appraisal work?” “Oh yeah.” Because there’s a relationship, that they were in on this at the ground level. And that’s my background is in community development and planning, is that you get buy in early on and often no matter how messy it is. It’s pretty critical. (Interview with author, September 2003)

While it is common knowledge among planners that involving stakeholders as early as possible is preferable, state-centered habitat planning processes rarely attempt to incorporate preliminary input into existing plans because National Environmental Policy Act and Endangered Species Act provisions only mandate comment periods after HCP provisions have been negotiated (Anderson and Yaffee 1998, 4). Because the GBRPP process was privatized, habitat protection planning coordinated public input from existing planning documents and local organizations, and allowed stakeholders to compare plan priorities with their own prior to the formal adoption of the plan. But simply because early stakeholder input was made possible by a privatized process does not mean that it is the norm. As we will see in Chapter Five, the South Carolina partnership anticipates the same sort of resistance to conservation from local government that the New Hampshire partners did, but as a result avoids town and county governments altogether.

Since both partnerships' major efforts are devoted to individual negotiations with landowners, it is not technically "critical" to involve towns or county governments since they have no formal role in individual transactions with property-owners. Truitt's background in community planning and convictions on the importance of participation obviously made avoiding town input an impossibility for her. But her belief that town buy-in is important—that stakes should be created where they do not already exist— is supported in practice by the concrete monetary benefits that have come with engaging town support for continued project planning. Given the requirement for match in many government programs, and the fact that getting large amounts of money for land acquisition means spending money on the front end for resource mapping and on the back end for stewardship and management, even token amounts of town support are a crucial part of the larger success of the project in New Hampshire.

In describing changes in conservation planning that he has observed, Rodney Dennis of Forestlands Forever inadvertently describes how he revised his own understanding of town priorities at the same time that he observed the evolution in town involvement over the course of the planning process:

Clearly the acceptance of communities is a good thing. While they didn't resist us, they were certainly indifferent in the beginning. Let me take that back though. Because when we did the twenty habitat areas, Kay went to every town and ground truthed them. And I should take that back because they would say, "Oo, you forgot this whole area in here." But they were more hands off. Put it that way. Hands off rather than indifferent. And now they're becoming, obviously the bond issues this year, which astounded me, because there's no state money [LCHIP] with this governor. And that shows that they've become, that we've pulled them along with us. (Interview with author, September 2003)

While the Partnership expected resistance from towns, it was not forthcoming. In fact, due to their care in soliciting town input in developing the Partnership's Habitat Protection Plan, towns have become new allies in Partnership activities and have even adopted HPP priorities

as their own. Skocpol might argue that this ceding of control to professionals within large capacity organizations with sophisticated management tools is ultimately disempowering because it prevents smaller organizations from “honing” their own capacities (2003, 104), and encourages a patron-client relationship between local governments and large NGOs. However, the passage of grassroots conservation bond initiatives at the town level demonstrates that a consultative process can build momentum for independent, complementary initiatives through direct democracy or representative governance.

In public comment on the MSCP, just as in the Working Group itself, whichever stakeholders or community members voluntarily participated were seen as broadly representative of outside stakeholders since both venues were open. In the GBRPP, the cross-section of people who were sufficiently motivated to participate in town meetings were not those whose contribution counted the most for Principal Partners. Since the Partnership was seeking very specific information from locals on their most valued landscape features, rather than generalized “input” or local public opinion on conservation, some locals had far more valuable knowledge to contribute than others. These were usually “old-timers” who had been in the community for a long time and knew the features and histories of public and private properties intimately. Rather than assuming that locals as a group hold such knowledge collectively, the Partnership made sure to smoke out those old-timers who might not have been interested in attending a public meeting—in most cases because they were long-retired.

Truitt describes an exhaustive process of informal networking with public figures in the town to figure out who these valuable citizens were and how to contact them: “So it wasn’t just the conservation commissions and the planning boards, I would call people up and say, ‘Who’s the person in your community who knows this place like the back of their hand?’ and they were bringing in, you know, Nathan Howland, who was on a commission, but Nathan knows you know, the back lands of Durham sort of thing” (Interview with author, September

2003). Truitt notes that many of these people had served on town governments in the past, and had documents in their possessions that stretched even further back than the Partnership could go within the existing local institutions: “And I called people up, it wasn’t just the officials, I’d call up the guy in Madbury, and say ‘Hey look, I know you’ve been here for fifty years and were on the conservation planning board, I know you’ve done some open space issues, bring the plans with you, okay?’” (Interview with author, September 2003). In San Diego, the organizations and agencies participating in the MSCP relied on sophisticated mapping and surveying techniques to inventory habitat resources, in some cases by aircraft equipped with heat-sensitive devices. By contrast, the Great Bay Partnership, which places a high value on biological data as well, also sought out knowledge about biological resources based on long-term locals’ observation of and familiarity with the land, often through traditional uses such as fishing, farming, and hunting. Information from these local “place experts” could be used for species recovery efforts, particularly in cases where place experts remembered former habitats where species had declined precipitously. Although these individuals rarely retained official positions of power within the communities, respecting their knowledge and engagement in past planning efforts—particularly since it was more often more recently-arrived town residents who supported conservation at the beginning—was critical to gaining broader support for the project.

The foregoing paragraphs have described how landowners and communities were approached for participation and subsequently included in the Partnership’s activities. But what about involving landowners who do not necessarily want to participate in the Partnership’s mission? The New Hampshire Partnership tends to take the path of least resistance to conservation, attracting and engaging those who are supportive and using the light touch with those who are not. Despite their surprise at local governments’ change of

heart, Principal Partners tip-toe around owners of high priority properties whom they see as unlikely prospects, as Kay Truitt describes:

There are properties on our list on this stretch of the [creek], incredible habitat, we've identified it, they're never going to sell until hell freezes over. They're on our list, and I'll contact them, but, you know that they just—they're not going to do it. It doesn't mean I don't contact them, but then you have a backup... When hell does freeze over someone else will buy it from them. I say this tongue in cheek, but we talk about the likelihood of the personalities involved, of them working with us. (Interview with author, September 2003)

The Partnership will not waste much time with difficult prospects or reserve funding in anticipation of landowners they feel may get a case of cold feet or string them along, according to Truitt: “And this might be a point of contention, we don't hold out. There's a piece in Crommet Creek that we've wanted since 1994, the guy's got cold feet, he wants more money for it. But we haven't held any money back for him. We've just gone ahead and protected everything else around it” (Interview with author, September 2003). Despite this, Victor Hanlon credits Clarence Rogers with persisting in contacting reluctant landowners, even at the point when other Partners may have written such properties off as potential projects: “There's people Clarence still hasn't given up on. The Dayton piece, which is this piece, he's been asking for seven years and he's not going to give up” (Interview with author, September 2003). No doubt Rogers' persistence is partly responsible for the acreage he was able to claim at his retirement in April 2005: 3,200 acres for the Great Bay, 11,500 acres for the New Hampshire chapter of the Nature Conservancy since beginning there in 1993, and 127,000 acres for the Wildlife Refuge system in the Northeast as part of a thirty year career with the FWS Realty Division (Aldrich 2005).

In comparison to the South Carolina Task Force described in Chapter Five, however, the Great Bay Partnership has been far less dogged in their overtures to resistant landowners, and this strategic emphasis on existing opportunities with sympathetic parties also extends to

their avoidance of networking with the real estate community. Rodney Dennis claims, “We’re not anti-development here” (Interview with author, September 2003), but Partners are far more likely to serve on their local Conservation Commissions than on local Chambers of Commerce, which is not the case in South Carolina, where Task Force members routinely cultivate their networks with the real estate community and local growth coalitions.

Ruling out presumably hostile parties precludes the Partnership from pursuing potentially important but time-consuming deals, but Partners in New Hampshire have an additional reason for not attempting to engage with reluctant owners with whom they would be making a lifetime commitment to working together to manage land. Partners realize that they must devote substantial amounts of energy to continuing to cultivate friendly relations with current and new owners of land held under easement. While easements are legally enforceable, Partners have very limited resources when it comes to engaging in sustained legal battles over proper management if deals go sour or partner-landowner relations erode. Rodney Dennis, with his organizations’ long history of land trust work in New Hampshire, describes this situation:

Well, the main issue is the integrity of the stewardship of all those easements... I mean think about it. The conservation easement as a concept and a legal instrument is only thirty-some odd years old in this country and we’re talking about instruments that are written conveying rights in perpetuity, that means a thousand years, ten, a hundred thousand years. So how equipped are the organizations that hold these rights to fulfill their responsibilities long, long, long after the generation that conveyed the easement is dead and gone... We have three people on our staff [who work solely landowner relations]. It’s the constant process of building relationships with new owners of land protected by a previous owner or with previous generations of that family. So that they clearly understand what they got themselves into when they bought that land from the easement owner. (Interview with author, September 2003)

Given the increasing amount of work that goes into making sure that easements are respected by successive generations of property owners, Partners husband their resources and pursue landowners who are amenable to their mission to begin with. The Great Bay Partnership puts

a premium on supportive relationships with landowners and with communities, so introducing antagonism or pressure into negotiations for easements is seen as a short-sighted waste of time that would not yield benefits for future conservationists who must continue positive relationships with future landowners. The ACE Basin Task Force's more mercenary, bare-knuckled strategy arises in the context of a far less supportive political context, such that the Great Bay Partnership's choice can be understood as a privilege afforded them by their more receptive audiences. They are increasingly hesitant to squander or jeopardize the relationships they have built—and see no point in putting together a deal with a resistant landowner that is only as good as the relationship on which it is based.

This approach to inclusion, which focuses far more on generating substantial input and informal, unburdensome relationships than on formal roles in public decision-making, stands in stark contrast to the approach to Working Group participation in San Diego. Whereas twenty-nine groups made the commitment to collaborate on the MSCP plan, the GBRPP produced an initial habitat protection plan that required the work and resources of eight organizations and their respective staff. One professional in New Hampshire consulted with twenty-four towns twice on their priorities. Nevertheless, this limited form of participation did not evoke complaint from outside stakeholders who had been limited to a consultative, if ongoing, Community Partner role, many of whom appreciated the opportunity to focus their energies on the plan only when needed. The Principal Partners quite literally demonstrated on map overlays where Partnership and town priorities did not overlap, but their efforts to meet towns on their own turf and respectfully solicit the input of their most knowledgeable, if not their most involved, citizens created the basis for substantive continuing relationships. Formal participation, as a means of gaining stakeholder support for the plan, was not a priority for Partners because such approval was not necessary. Nevertheless, their more limited, two-tiered approach to participation managed to gain widespread support from

local stakeholders that was out of the bounds of the formal process in San Diego, despite the consensus developers and moderate environmental groups were able to reach.

The choice to have two streams of participation represents an intriguing middle-ground between the efficiencies of a machine approach and the advantages of public participation for a voluntary process that hangs on interpersonal credibility. The parallel decision-making processes for the Partnership bodies also represent two distinct strategies—consensus and deliberation for elite Principal Partners, and consultation and, if necessary, negotiation for community members. Thus, the Great Bay Partnership takes a middle approach between machine-style exclusion and participatory empowerment, but clearly distinguishes decision-making strategies for each body, whereas the San Diego Working Group has a single inclusive group, but awkwardly blends deliberation and negotiation, which makes those not privy to negotiations feel marginalized. Have Great Bay community members balked at their limited inclusion and consultation? Evidence of Partnership support within the communities shows that many enjoy the freedom to network on a personal level with the Partnership and feel appreciated for their limited, privileged contributions.

Avoiding Public Scrutiny and Accountability: Discretion and Ambiguity in Participatory Processes

Whereas in California, sunshine laws and the involvement of local officials made the MSCP Working Group's decision-making process transparent and open to the public (at least in theory), leaders of the GBRPP credit a key element of their success to the fact that the organization itself is relatively invisible and they conduct their outreach and planning activities out of the public eye. Truitt made sure landowners' privacy was not violated in public community meetings, and she also wanted to keep the dealings of the Partnership

confidential and private. In New Hampshire, Partners were extremely sensitive to the dangers of discussing property negotiations and the need to limit meetings to participants who could be counted on not to share sensitive information—and this led to the exclusion of potential participants like other landowners or local stakeholding groups: “There was a high degree of confidentiality and professionalism that we needed at that table. And it was really important... that we have this professional level, that we have confidentiality insured at all our meetings so we could be talking about landowners and money and not have to worry” (Interview with author, August 2003). While Truitt makes the extension of trust only to professionals seem like an intuitive division, as we will see in South Carolina, the Task Force similarly kept dealings confidential but included local landowners in their meetings on a regular basis and even allowed other stakeholding groups to observe as guests.

The Great Bay Principal Partners not only operate in private but attempt to make the regime and its acquisition projects as “under the radar” as possible. Kay Truitt, the leader of the Great Bay Partnership, laughs about this element of the Partnership: “We’re a non-entity. You know, someone was telling me, ‘We were a virtual organization. We only existed when we got together.’ Which has become kind of a joke with us, you know? That we don’t really exist” (Interview with author, September 2003). Certainly, the formal regime is much more than a group of people coming together, especially since they have managed to change the development status of tens of thousands of acres in New Hampshire. This supposed non-existence could easily be construed as sinister—powerful organizations meeting behind closed doors to distribute public money for their own benefit, as urban regime theories typically assume—but claims similar to those of Daniel Naurin and Jane Mansbridge about transparency not always being a virtue are used by Principal Partners to explain their approach. Regime members assert that their private deliberations with each other and with

landowners are conducted in private because these settings are more authentically deliberative and protective of sensitive information about individual citizens.

Because Principal Partners are not hungry for publicity or funding, they can refuse projects that smaller organizations might leap at. According to Mae Bodnar of DU, the Partnership is willing to reject inappropriate projects and can turn down developer mitigations:

There's a new box store that just got approved on one of the major tributaries on Great Bay, within half a mile of it. It's funny, this one just got passed by the local town and they were trying to give the Partnership money and we refused. They're trying to find mitigation for it, ...they're trying to give away quite a bit of money, I don't remember how much it was. But we just don't want to touch it, it's just hush money, and making them able to get their permit if we take it. (Interview with author, September 2003)

As we will see in the ACE Basin Task Force, keeping a united front against these sorts of inducements to contribute to low-value conservation projects assists in preventing developers from preying on organizations that need publicity or project acreage.

Outside the Principal Partners' deliberations, Partners leverage their existing social networks at intimate scales to achieve their own goals, just as growth machines leverage gossip and insider information in local social networks for their own ends. Even the representatives of national organizations in the Great Bay Partnership find it relatively easy to access valuable, closely-held information related to property ownership and potential real estate transactions through those who are sympathetic to the Partnership's activities. Truitt, whose husband was a local minister, wonders aloud: "You know, how many times have I been sitting here [local diner], or in church and someone goes [she whispers gravely], 'You know, Kay, you know who's really sick?' [laughs] I'm not trading on somebody's bad health, but you know, or they'll say, 'You know who told me that they're really interested,' so a lot is sort of that grapevine" (Interview with author, August 2003). In order to make connections locally, the Principal Partners are not simply organizational stand-ins representing their boards, staff, and members, but are also local residents, with connections to their own

neighbors as fellow citizens extensively networked within local organizations and town bureaucracy. The capacity to relate to the people with whom they are conducting negotiations as locals is essential to their legitimacy. Thus, Partners are not simply “Forestlands Forever,” or “The Nature Conservancy,” but Rodney or Clarence or Kay. Town meetings were ideal places to gain the inside scoop on which developers were active in the area and who was planning on selling their farm or woodlot to put their children through college or retire to Florida—as described in further detail in the section on social capital building within the jurisdictions below.

The Partnership has managed to keep its profile low less by avoidance of coverage (Senator Gregg’s office sends out press releases on appropriations and the Partnership sends out press releases on projects if the landowner desires), than by taking advantage of a lack of interest from the local press. Victor Hanlon notes: “The headline today was that the state just got another million dollars for homeland security and it’s the banner headline. Well, we get six million dollars regularly and it’s barely on page twenty-three!” (Interview with author, September 2003). The Partnership was scrupulously discrete and ambiguous when necessary in order to protect the privacy of participants. While engaging the towns and local place experts was relatively easy, engaging local landowners whom the project wanted to target for conservation was a more sensitive issue. Although the conservation options the Partnership was promoting were strictly voluntary, the “private” aspects of private property ownership were believed to be important to landowners in New Hampshire. The Partnership was wary of antagonizing staunch private property rights advocates who opposed easements on ideological grounds, and certainly wanted to stay below the radar of any national or regional private property rights groups that might conduct their own campaign against the Partnership. Although New Hampshire and South Carolina both share private property rights traditions, the Great Bay Partnership was far more careful in developing non-threatening relationships over

time with landowners. As Rodney Dennis of Forestlands Forever describes: “And it’s also a real art form dealing with landowners. Because you, you don’t want to scare them off, you want to keep them, it’s complicated stuff and it’s a real skill and it’s not something you learn in a textbook. You learn it from doing it and making really boneheaded mistakes” (Interview with author, September 2003). In order to make their overtures to landowners the first of a long series of conversations, the Partnership made sure to respect the privacy of landowners in the initial community meetings, and to gather data about owners of valued properties in unobtrusive ways.

Rather than discuss individual properties in the community meetings, Truitt preferred to seek information about which “places” on the map the community valued: “And we’re not talking about Sam Jones’s property. Now you might refer to Sam Jones has a very important piece of land, but Sam Jones is not on this map. So you took out that element of targeting. We can do it now, we’re doing it now, but we didn’t do it at this level” (Interview with author, September 2003). The Partnership negotiated the precision of discussions by using three separate sets of maps. The first two sets mapped land features and significant habitat areas at a scale of 1:24,000 and 1:18,000, using the focus area maps with lesser detail in presentations about the project. Truitt describes the less precise maps as part of an overall strategy to avoid creating conflict over individual properties: “Very clearly, you do not identify specific property owners in New Hampshire as a local planner. I’ve been there, you don’t do that. If you want to cause warfare that would be the thing to do. I really felt that. But I would put a list of resources up on the wall, newsprint, and said think about these resource areas... what we had drawn was pretty large-scale catchment areas” (Interview with author, September 2003). Based on the information gathered in sessions with the more detailed maps, the Partnership produced a separate property line base map (not in GIS) with property ownership and local tax map identification numbers. They then developed seventy-four “Individual

Property Files” for properties of “significant acreage” (ten or more acres) or important location on the Bay based on ownership data gathered at Town Clerks’ offices (Brickner-Wood 1997). These files and the accompanying mail-merge database of property owners were distributed to Principal Partners, and the mail-merge database was also shared with three state agency programs working in the estuary, and with a bay stewardship organization.

While the Partnership anticipated contacting each of the landowners in the Individual Property Files, first they decided to hold two estate planning workshops in order to educate people who were interested about conservation options and their potential tax benefits. Because the average age of property owners was over sixty-five, Partners determined that they would first try to flush out from the larger group those who were voluntarily interested in conservation and already thinking about property transfer to the next generation. In addition to the seventy-four Bay landowners, personalized letters were sent to the seventy-two members of local Conservation Commissions, Planning Board chairs, and Council chairs. Seventy-three letters were sent to local and regional conservation groups.

The free workshops were openly coordinated by Truitt as a representative of Forestlands Forever, and funded by the EPA, but the presenters were not representatives of the Nature Conservancy, the lead agency that would eventually work with landowners donating land to the Partnership. Truitt had chosen a local attorney to discuss the larger problem of estate taxes and a land planner who worked locally with families in Maine and New Hampshire to structure conservation easements. The pitch for conservation at this meeting was carefully presented in flyers and follow-up letters as “a variety of options” bringing “the best of both worlds together to meet financial as well as conservation goals” (Brickner-Wood 1997). Truitt’s letter offers her services for future consultation at no obligation: “Please be assured that meeting with me is no obligation for taking any action or incurring costs at this time... I work with landowners on a voluntary and confidential basis” (Brickner-Wood 1997).

The workshops, which attracted thirty-two participants, twenty of whom were targeted landowners, produced exactly the results the Partnership had sought, with six landowners expressing further interest. At that point, Truitt or Rogers of the Nature Conservancy were invited on property tours and could introduce the Partnership itself while discussing the landowners' financial and conservation goals. As Truitt describes, the estate planning workshops were an ideal approach because they offered a free service for which there was local need:

[The land planner] does this great presentation where she describes the process she goes through in having them reach consensus on their conservation goals for the property. Which I knew would be perfect for Great Bay because we have had that kind of demand. So the workshops went very well, we had very good response, even years later... Here we are, six years later and we've closed five major parcels that were in there. (Interview with author, September 2003)

By starting with low hanging fruit through a targeted mailing, the Partnership had potential projects in the works whose landowners were very enthusiastic when money did come through. In its 1997 project summary, the Partnership describes their success with the six landowners who had a "keen interest in working toward developing conservation strategies for their land": "For these landowners, the timing was 'just right'—they were ready to consider the future use of their land, and information on conservation choices was made available to them" (Brickner-Wood 1997, 10).

For those who claimed not to be interested in learning about conservation, the Partnership defined these landowners as not "ready" rather than as reluctant or resistant, particularly since landowners were generally elderly and would have to decide relatively soon about what they wanted to do with their land. The Principal Partners decided to contact the remaining targeted landowners on an annual basis, either through a letter, phone call, or another "workshop or conservation event." The plans for future contact indicate the delicacy of being patient with landowners who were not eager to talk with strangers about the most

intimate details of death, money, and taxes, while making sure that critical properties were conserved before passing on to the next generation or getting mired in probate:

These remaining key properties are like pieces in a larger habitat puzzle—their protection would ideally create blocks of unfragmented significant habitat along the Bay. Elderly individuals own many of these key properties. The next generation, or sale of the property through an estate, may fragment the land area even further. As noted, the ideal situation is when a property owner is made aware of conservation and financial options at the “right time”—when they are finally ready to decide about the long term disposition of their land. Contact with the landowners should continue to be sought. The methods of contact and success will vary on a case by case basis. (Brickner-Wood 1997, 11)

Truitt and Rogers continued to make personal contacts with the landowners, and when necessary, through a trusted local intermediary—although they have learned that sometimes the straightforward approach is the best:

Typically, Clarence or I are the contact and we have sometimes used our community partner contacts for the initial contact and sometimes that works really well and sometimes, quite frankly, it has not been a good idea. And we’ve learned from that. Now sometimes there’s some folks we just feel very comfortable, making, “Hey, there’s this group called the Great Bay Partnership, they have some funding available, can I bring them by to meet you?” because they know the person and that’s great. Other times, Clarence or I will call up and make the appointment and go in. (Interview with author, September 2003)

While the Partnership was careful to learn the histories of prior contacts and coordinate their own contacts with landowners, their multi-valenced approach through multiple venues and a variety of potential contacts maximized their chances of engaging those who may have been uninterested at first without seeming pushy or invasive.

Even early on, the Partnership realized that gaining the trust of a few landowners would contribute to later successes down the road, as early adopters shared their experiences with those who were more skeptical: “Landowner-to-landowner sharing of a positive experience may be a beneficial way of contacting landowners of key lands” (Brickner-Wood 1997). As Rodney Dennis describes, the slow, careful beginnings of Partner contact with

landowners now runs the other way, with the Partnership in the position of actually having to turn willing sellers down: “As the project and the whole effort has evolved and progressed and achieved such visibility, more and more landowners realize that there’s a conservation option that will get them fair market value for their land. So where early on there was this very sensitive kid glove dance you did with landowners trying to get them to take an interest in this, now they’re just knocking on the door” (Interview with author, September 2003). This has been possible because of a discrete, patient, and deliberate approach to attracting landowners and having those who have gone through the process vouch for it with their neighbors. By presenting their activities with landowners and communities as responsive, consultative, and voluntary, rather than targeted based on publicly-available property data, the Partnership has managed to sustain a groundswell of support—not simply for their own activities or for partnership recognition, but for the broader goal of conservation. Their interest in persuading particular individuals was not always transparent, open, or accessible to everyday citizens, but it did not provoke much complaint about hidden motives or backstage deal-making, as in the more public San Diego process, where landowners were contacted by public officials when their properties were affected and felt they had little choice in the matter. According to Shawn Hardiman, one of the more active Community Partners, “open space protection isn’t really controversial... you don’t really piss off people by protecting land” (Interview with author, September 2003).

As the Partnership has gained more recognition for its members and sought more sources of funding, it has been driven to operate with greater scrutiny and openness. Rodney Dennis sees this as a necessary change: “Well more of it is becoming more public-private, official, out in the open because the money that has to be raised invariably requires some level of public financing or private campaign-type funding. That has to be, is public by its nature... a lot of our projects are very public” (Interview with author, September 2003). Partnership

members accept this greater level of scrutiny but are wary of public interest that oversteps their own capacity to manage projects for public access. This is a particular problem since properties conveyed to state agencies are required to have public access but cannot necessarily support public demand if they become popular local destinations. As a result, the Partnership keeps a very low profile on such properties, and at the time of my interviews, was just getting around to posting modest signs on acquired properties that showed that they were part of Partnership lands and open to the public. In the ensuing years, they have put in small parking lots on properties that can support more intensive public use. Victor Hanlon claims that there is a significant advantage to having a low profile. The success of the Partnership and its recognition by the public is a Catch-22 for him: “Particularly Gregg’s office keeps putting out press releases to advertise our success, which they should do, but then you get people going, ‘Well I didn’t know that was state land!’ We’re really, I’m surprised we’ve kept the lid on it for this long... Yep, we’re our own worst enemy” (Interview with author, September 2003).

Like the publicly-acquired properties in San Diego, management often took a back seat to acquisition. At the Community Partner meeting I attended, threats from intensive public use and encroachment like those suffered in San Diego were the main topic of discussion, as Partners had to deal with illegal dumping, illegal camping, ATVs damaging trails after rains, arson, and horseback-riding, which spreads nonnative species through manure. Hanlon sees public access as a continued threat, since the Partnership has to do preparation for opening lands to the public but media attention usually comes right after an acquisition deal has been made: “You know we have gotten a fair amount of publicity. But actually we don’t want a lot more because then we get people calling and wanting to go on the lands right away. They don’t understand: ‘Well, we’ve paid for it through our taxes, why isn’t it open tomorrow?’ They don’t understand” (Interview with author, September 2003).

Increasing public attention is seen by Partners as a threat, but not from the standpoint of public scrutiny that might unravel their collaborative efforts. Instead, Partners fear that the public will discover protected lands and use them so intensively that they cannot afford to maintain them in accordance with the provisions of their easements, which could open the Partners up to significant legal challenges. In comparison to the state land protection programs (LCIP and LCHIP), which (despite—or because of—their capricious funding streams) had been very cautious in endowing full-time staff for consistent stewardship and monitoring of all lands conserved, the Partnership had far less accountability in terms of the relationship between the lands they acquired and the funding these properties ultimately needed in stewardship for public access, and Partners had initially played fast and loose in jumping on desired properties and worrying about access later. This was not necessarily a factor of having less accountability as a public-private partnership, as the jurisdictions in the MSCP also faced similar trouble in prioritizing acquisition at the expense of management and access needs. Federal-level support insulated partners at state-level agencies from criticism within their own ranks. When lawyers for one Partner’s agency confronted her on violating her legal authority in conserving lands outside the project’s boundaries, she felt comfortable raising the specter of Gregg’s support as a defense: “So the attorneys start calling me up and saying you can’t do this, and I would say, ‘Well, you call Senator Gregg because I’m not the one generating this money, it’s been given to me.’ And of course they never would” (Interview with author, September 2003).

At the time of my interviews, Principal Partners had realized that the hidden problems of spending and management accountability were beginning to surface, and were developing policies to act more cautiously. Nevertheless, they were unapologetic about the extent to which the lack of public awareness of the Great Bay’s funding stream prevented public discussion of the extent to which such money was being unequally redistributed to coastal

New Hampshire over other equally important ecological areas in other states because of Senator Gregg's chairmanship of the senate appropriations committee. There was also little or muted discussion over whether federal grant money could be used more effectively for other state priorities like homeland security, affordable housing, or health care for low income residents and the elderly. Hanlon acknowledges that Gregg receives criticism over his conservation priorities in the state: "And Gregg takes hits. People say, well he's using his committee chairmanship, he's using up personal favors. But he's replicating this program nationwide" (Interview with author, September 2003). Gregg himself justifies his favoritism of the Great Bay by pointing out how extraordinary it is as a resource. Hanlon recounts an oft-repeated tale of Gregg's defense of the Great Bay as a worthwhile project:

I guess one of my favorite moments was we were out here and Gregg had a press conference, and the Union-Leader [newspaper], which is just, you know, conservative, and the reporter said, "Senator, isn't this just pork?" And Gregg was so cool. He just stood there and he just said, "How can you? This is it! We're protecting the most precious, important areas of our state, and if that's how you want to define pork, then this is A-class bacon!" And I thought that was such a cool answer. You know, pork is when you build an interstate that no one uses because no one ever wanted it but it was in that district. (Interview with author, September 2003)

Partners are unapologetic about the Partnership's reliance on a home-grown hero who has made good in Washington. While the Partnership would undoubtedly suffer if Gregg lost his chairmanship, Gregg is young enough and his political capital in the state is secure enough that his being voted out of office is rarely considered. In addition, the money that Gregg has channeled to the Partnership has bought lands that are now permanently protected, so although the Partnership depends on favorable winds from Washington, a change in direction would not jeopardize the projects they have already accomplished with his help. Like growth machines designed to win favoritism for their own communities over regional competitors, the deck is stacked in favor of the Great Bay Partnership, and Partners have used every advantage this has

given them. Their ends—conserved properties—are far more visible and easy to justify than their sometimes questionable means.

Aware of the uncertainty of future project support and public funding streams, the Partners attempt to build in enough ambiguity into the legal language of their easements that they will not be subject to challenge if circumstances beyond their control change in unanticipated ways. This ability to hedge the formality of management requirements on acquisitions was the sort of activity that environmentalists in San Diego condemned in the case of the vague management provisions of the MSCP. State actors wanted vague language in order to give themselves flexibility, but had been forced to provide developers assurances that changing management conditions or species declines would not change the plan agreements or cause unforeseen costs. While many landowners in New Hampshire wanted their easements to give instructions for management of the land as specifically as possible, such as haying requirements in order to increase grassland bird habitat, the Partners negotiate wiggle room so that the easements are as restrictive as possible in terms of development, but as open as possible to changing circumstances in conservation management. They are not interested in enforcing haying calendars that tie farmers' hands, for the simple reason that monitoring compliance with such restrictions is costly and management decisions are more appropriately made on the basis of seasonal weather conditions than on information known at the time land acquisition or easement deals are inked. The ongoing involvement of the Principal Partners in managing and monitoring properties provides security that adaptations to new information will be consistent with the original intent of conservation projects. In state-centered settings based on producing formally enforceable comprehensive plans, agency officials have faced great difficulty implementing "adaptive management," even when it has been formally required, as in the MSCP; according to a government evaluation of the failure

of adaptive management in San Diego, “the protocol described in the MSCP plan may need to be discarded” (Pollak 2001, 56).

In San Diego, MSCP Working Group members from environmental organizations fought exhaustively for specific provisions and specific language in this protocol in order to force the state to act appropriately and in accordance with the negotiated agreements, but in the Great Bay HPP, the environmental Partners are on the other side of the table, facing the task of implementing legal documents in perpetuity for which funding streams, best practices, or scientific data may change, but for which they will be legally liable. Their choosing to exclude as many specific management issues as possible from formal requirements does not provide security or public review regarding the plans for such properties. But given the fact that the management protocol in the MSCP faces wholesale revisions only nine years after it was finalized (Follow-up interview with author, February 2006), such decisions may spare organizational time and resources, and may improve management in the long run.

Partners have been very aggressive in pushing the legal boundaries of their own activities in relationship to their federal mandates, a decision to avoid accountability and scrutiny that is harder to defend in terms of public benefit, deliberative authenticity, or decision-making efficacy. This has been in part because of pressure to spend federal money, and has caused members to conserve land not within the established boundaries of priority areas when opportunities have come up. One state agency official acknowledges, “We’ve really pushed the envelope and the law can’t keep up” (Interview with author, September 2003). For obvious reasons, few would speak on the record about these problems, but many alluded that boundaries had been crossed in the past when Partners received less recognition and accompanying scrutiny.

The Partnership’s avoidance of the spotlight and unwillingness to publicize publicly-funded projects suggests that the privatization of conservation which has occurred in New

Hampshire has disadvantaged the public in that funds have been dedicated to appropriations of large amounts of public land without sufficient assurance of stewardship and management such that lands acquired will be accessible to taxpayers. Rather than explaining avoidance of transparency as an attempt to avoid public grandstanding, as in South Carolina, Partners mainly chalk up strategies of avoiding the spotlight and encouraging formal ambiguity about project goals to simple expediency rather than virtue. Growth in attention has provided a check on the Partnership, as they have realized the need to endow stewardship and management, despite the fact that these activities cannot be funded by the federal government under current NAWCA provisions. Whereas formal participatory institutions devote much of their energies to attempting to engage and empower an uninterested public, the Partnership has taken advantage of public lack of interest in ongoing, repeated negotiations to operate at its own pace and set its own priorities. Increasing public interest has been a result of the Partnership's success, not the other way around. With such interest has come a greater concern for accountability, and a closer adherence to consistent policies, bureaucratic rules, and legal oversight—thus diminishing some of the supposed nimbleness of public-private partnerships.

Ongoing Conversation: Maintaining Formal Consensus through Professional Relationships

Consensus-building among the Principal Partners in the GBRPP differed from the deliberations in San Diego in tenor and difficulty. Partners claim that consensus has been accomplished in every case, despite varying organizational priorities and territorial competition, while in San Diego, consensus was a matter of triage and compromise—where some areas of the map were simply left blank because agreement could not be reached (Davis 2003c; Rolfe 2000). Finding common interests with individual landowners and formalizing them in easements may take a long time, but this activity is generally not adversarial to the

extent that landowner negotiations were in San Diego. Some might assert that consensus should have been easy in the Great Bay since no developers were at the table and deliberations were private, and indeed the ability to keep potential opponents out of the Principal Partner meetings contributed substantially to the fellow-feeling developed within—but developers were very much in the picture in dealings with the local community. The challenges faced by the Principal Partners in sustaining ongoing consensus on conservation priorities with Community Partners and local communities demonstrates that, even in cases of mutual support of conservation, agreement, lack of conflict, and continued support are not guaranteed.

While each member of the Partnership works independently on his or her own projects, Principal Partners meet quarterly in all-day meetings to check in on progress and work on issues of common interest. It is in these meetings that the group decides on priorities and assigns responsibilities for particular parcels, as Truitt describes: “They’re daylong meetings, the morning is devoted to the property piece, you know we go through all the properties that we’re working on, land negotiation issues, things that Clarence needs direction, properties that he needs direction on. And then there’s a whole host of conservation planning issues, funding issues, and then management” (Interview with author, September 2003).

While the activities within the meetings are relatively similar to those of the MSCP in terms of working on and revising the Partners’ Habitat Protection Plan, the way the group integrates actual implementation of the plan into ongoing meetings, and the rapidity with which consensus is reached, is very different from the process in San Diego.

Kay Truitt claims that the togetherness among the professional Partnership members is what makes her job easy: “within the Principal Partners, there’s such an incredible unity feeling of we’re all moving in this direction together” (Interview with author, August 2003). But are these avowals simply the getting along “suspiciously well” that mask deeper incompatibilities in the San Diego Working Group? For the members of the Partnership to

work effectively, representatives must sublimate their organizations' individual interests for their common interest in conservation, rather than negotiate compromises accommodating the interests of all parties—and Partnership members are vocal about this self-effacement as a reason for their success.

While working together on the Partnership means surrendering organizational interests for the larger goal of conservation, “getting to yes” with the group is admittedly difficult. When I asked Clarence Rogers of TNC what the challenges were in terms of Partnership planning for conservation, he immediately replied: “Well, it’s hard work! [laughs] It’s hard work. And you’re working with a lot of people, a lot of differing views and trying to pull them together and trying to get--of course, each one of our partners wants, you know, to pull towards their mission” (Interview with author, September 2003). Although each group does have an interest in conservation, their priorities are diverse, and range from conservation for extractive use to preservation and restoration: supporting duck hunting, fishing, and responsible timber management, for example, versus restoring endangered species habitat or creating preserves for recreational birding. Rodney Dennis of Forestlands Forever points out that groups also compete for funding and membership:

It takes people [having] a certain faith in the collective bent that comes from collective thinking, collective working, and working together. You have to be willing to set aside your territorial impulses for the sake of what it is you’re trying to accomplish. Which is hard for nonprofit people to do. It’s hard, it’s competitive, it can be quite territorial, you’re competing for donors, you’re competing for visibility, attention, members. (Interview with author, September 2003)

Truitt notes that what looks like rapid consensus on individual funding projects results from attention to technical details and careful biological surveying in terms of figuring out what the best conservation use of an individual property might be: “It just doesn’t come out of thin air. We do all this groundwork to get us there, so we can make quick decisions, so we as a

partnership can agree and stay together. We really are a consensus-based model, so we all agree on this” (Interview with author, September 2003).

While getting consensus takes work, Victor Hanlon notes that the group can always “talk it through” because Partners prioritize the Partnership ahead of their own organizational priorities:

And everybody comes there with their own mission. And almost without exception people have been willing to put aside their personal organizational mission to support the Partnership, and how often does that happen? With everybody. Geez, we’ve almost-- You know, and then you think, “Oh, this is going to be a tough one.” And we always talk it through. And there’s been lots of challenges. And that’s success. (Interview with author, September 2003)

This commitment on the part of Partnership members to silence organizational interests for the sake of the group has become the Principal Partners’ mantra. Clarence Rogers coined the phrase, but, typically, does not take credit for it: “We have a little saying in our partnership, ‘You have to leave your bowling shirt at the door’ ... You have to be able to, when you get in a partnership with nine different groups, you have to forget about what the Nature Conservancy does, that narrow focus. You have to start looking at some of the other people’s priorities and give up a little bit here and so do the others” (Interview with author, September 2003). The “bowling shirts at the door” mantra has gained fame far beyond the Principal Partners, and was referenced by a substantial number of my interviewees when prompted to explain why the Partnership has been so successful at gaining consensus through deliberation.

Nevertheless, Principal Partners do not credit the individual members or the Partnership itself for creating this unusual atmosphere of cooperation. Instead, they see it as a personality trait native to New Hampshire. According to Rogers, “We just have a—and I think New Hampshire, as I’ve worked within New Hampshire—they have that tradition of getting together and trying to do cooperative projects” (Interview with author, September 2003). Hanlon, who is a native New Yorker, says that, despite the pull of different

organizational missions in the Partnership, “I have to say, it works as well or better here in New Hampshire than anywhere I’m aware of, and that’s one reason New Hampshire has been so successful in land conservation” (Interview with author, September 2003). Mae Bodnar, the New England representative for Ducks Unlimited who is based in New Hampshire, admits, “I know this is a cliché, but it really is a true team... I’m involved in other partnerships in the Gulf of Maine... a big one in Maine, ...in Massachusetts,... they’re not successful on the same scale” (Interview with author, September 2003).

The New Hampshire Partnership finds diversity of missions a primary asset for cooperation. Rodney Dennis of Forestlands Forever notes that the specialization of each group is actually an advantage:

We each bring a certain expertise. For example, there’s a couple parcels that are kind of plain vanilla woodlots and they’ve come to us because we are the most appropriate organization to provide proper stewardship and proper management for those lands. Lands that have really unique habitat values are being held by either the Fish and Game Department or the Nature Conservancy or Audubon. Lands that have a lot of very active public recreation use seem to be gravitating toward the communities. And the Partnership serves as the vehicle to reach agreement around all that stuff. (Interview with author, September 2003)

Dennis elaborates on the extent to which the diversity of environmental values in the lands being conserved assists in determining the best match with a conservation group: “All of the reasons that people protect land are important to us. And, you know, with every project we do, we go through... this whole analysis where they describe the conservation values and invariably something will rise to the top” (Interview with author, September 2003). When asked if there is any competition among the groups for prime parcels, Dennis points out that the difficulties and expense of conservation make taking on a parcel less a race to grab as much land as possible than a matter of quiet noblesse oblige:

It just pretty much works out, and there’s a reason for that. Assuming fee ownership of conservation land is a serious business because you are accepting the responsibility to take care of that land forever and the land trust

community in New Hampshire is a very mature community. A lot of lessons have been learned along the way about the zeal to protect while ignoring or putting on the back burner the importance of dealing with the responsibility of how that land will be taken care of. There's a real natural tendency to sort of worry about that later. Well, we've learned in New Hampshire that you can't do that. So it's not like you've got organizations tripping over themselves to get to these lands because they know there's this awesome responsibility that comes with it. And so when [this tract] was protected using Great Bay money and it had a history of active management as a tree farm, it was just understood that Forestlands Forever will hold this, it just makes the most sense for us. (Interview with author, September 2003)

The Principal Partners' descriptions of how priorities are determined and land gets assigned are predominantly naturalized—lands gravitate, priorities rise to the top. The Partnership's negotiations on these matters are efficient and professional, but not rash. As we will see in Chapter Six, Task Force members in South Carolina put a far greater emphasis on the informality of their associations and the friendliness of their ties in moderating organizational competition, whereas Principal Partners in New Hampshire reference their maturity, responsibility, and long experience as a tonic for uncontained zeal.

In considering the Partnership's approach to consensus-building within the Partnership, one final contrast with the perspective of those in San Diego's MSCP must be noted. Whereas Bobby Goode of HAN described a critical element of the Working Group's momentum as rooted in shared "time in the trenches," the GBRPP Partners frame their own involvement as rooted in simple enjoyment in the others' company. War metaphors are scarce when it comes to describing how it feels to participate in Principal Partner deliberations characterized by Truitt's "incredible unity feeling." Hanlon gushes about the uniqueness of the Partners' enthusiasm for working together: "Well the Partnership, you know, it's just been, I've never been involved in something that I feel is so outstanding and you look forward to the quarterly meetings. Because those Partners are always there. And everybody takes that pride in the group, which is a great thing. It's larger—it's like the Beatles. The end result is larger than the individual players" (Interview with author, September 2003). Whereas in San Diego,

many found the MSCP process so draining that they became disenchanted or dropped out after the conclusion of the process, in New Hampshire, the nine members of the far more restricted group continue to attend religiously and look forward to meetings on an indefinite basis. As in the MSCP, there is a core group of less than ten essential participants. By restricting participation to essential players at the outset, the GBRPP has sustained a process of consensus-building characterized by ongoing, enjoyable conversations among seasoned professionals with a common interest.

The Partnership members rarely, if ever, mention negotiation (backstage or frontstage) in reference to their decisions on properties, however; such discussions produce solutions which materialize through common understandings. Negotiations are critically important to the Partnership's work, but they are conducted with outsiders and outside conservation groups, not among insiders, who present a united front on all matters of concern to the Partnership. While in some cases, the Partnership can simply purchase land as the highest bidder, which involves standard real estate strategies, more often, they must negotiate with landowners to produce decisions favorable for conservation, which, in addition to requiring sensitivity, can be incredibly time-consuming. Victor Hanlon describes how quickly a real estate negotiation might take place in New York versus in New Hampshire: "If you were in New York, you might get the deal done in an hour. 'Alright, how much?' '9.5 million.' Bam, done! No, never here. Never here" (Interview with author, September 2003). As the lead acquisition agent, Clarence Rogers of the Nature Conservancy takes the reins on negotiating with property owners, and his folksy demeanor and storied patience are a key asset in eventually getting deals done, according to Hanlon: "I call him Columbo because he just wears people down. He's never offensive, he always comes, "'Oh, one more thing...'" And he doesn't give up. Some of these are five, six year projects" (Interview with author, September 2003).

Whereas negotiations typically revolve around land value as quantified in dollars in other places, the elderly landowners the Partnership targets have more complex relationships to their land involving family and traditional ties that are far more difficult to quantify, and as a result, take far longer to explore and offer compensation for. When talking about a hypothetical “old Yankee farmer couple,” Hanlon describes what Clarence Rogers can offer: “It’s not about money when you’re seventy years old. They’re modest people. They don’t really care if they get a million or two million. And you know, to pass it on to their kids. No. What really is the emotional hit for them is Clarence will say, ‘You tended these fields for your whole life. Do you want to see Burger King there?’ And they’ve seen the Burger Kings go up” (Interview with author, September 2003). Thus, the Partnership has oriented its activities not simply to racing with developers to make the highest bids for individual properties up for sale, but to earn right of first refusal deals with the landowners prior to the properties being offered. The major obstacle in this process is not developers, but landowners’ children, who typically expect the property to be put up for sale after their parents’ death, as related by Hanlon:

You have to convince people to go against their own children. Because the kids are saying, “Oh Mom and Dad, oh we love this piece!” And they’re thinking, Sell! Sell! Sell! Almost without exception... In general the kids just are, “How do we dump this piece?” Well, when they dump it, particularly in estate, it’s the first buyer, who has the highest bid. They don’t care if it’s us or Burger King. (Interview with author, September 2003)

In this sense, the Partnership’s negotiations are not oriented towards satisfying multiple family interests, but towards generating a personal connection with individual landowners that encourages them to consider changing the scope of negotiations from market value to personal and environmental values. Partners’ cultivation of personal relationships with landowners can conflict with family relationships and has the possibility of devolving into adversarial

situations involving contested wills. Thus, avoiding contention in negotiations with landowners is considered critical by Partners for project success.

The “natural” success of private elite deliberations and careful negotiations with landowners is not surprising for political scientists and students of urban politics long familiar with the efficiencies of undemocratic elite power structures (Domhoff 1967; Domhoff 1978; Hunter 1963; Mills 1959; Stone 1989). However, the extent to which the Partnership has succeeded in presenting its role in the community as non-threatening and receptive reflects the way that decision-making and consensus-building have been framed as substantive and non-adversarial—which has attracted local citizens beyond the targeted group of local landowners. But Partnership members have not embraced this enthusiasm wholeheartedly, and see public interest in conservation as a challenge to maintaining coherent conservation planning and ongoing consensus with individual stakeholders. Many saw the conservation ethics they were fighting for eroding despite the public support they received.

Given New Hampshire’s strong property rights tradition and the sensitivity of the Partnership in their initial testing of the conservation waters around Great Bay, the enthusiasm of New Hampshire residents for federally-funded conservation efforts caught many Partners by surprise. As described earlier, the Partnership had far less trouble than expected with local governments, largely because the growth that was occurring was seen as coming from outsiders. Victor Hanlon notes that this resistance to outsider values is a key reason for the Partnerships’ success:

This rising force is all these communities have recognized that it’s all outsiders moving in, with big homes, who don’t give a crap about the history of the town, and they don’t want to be taken over. And that’s why we become their allies, because we reduce the land that’s available. And what they’re all afraid of is school kids. And that’s actually I think the biggest reason we’ve been successful. (Interview with author, September 2003)

When asked if this resistance to suburban growth comes from old-timers or more recent arrivals, Hanlon acknowledges that at first, conservation was only supported by newer arrivals, but that growth has become an issue of class and state antagonism that has united both older and newer residents:

It's people who were outsiders who are now half-insiders, far more educated. And they have slowly mingled with the others and formed an alliance against the new newcomers. They call them Massholes. And they don't want more Massholes. And so everybody, no matter what their background, can agree on that. But I think it's also been that the original wave who came were more working class people and the newer people coming are building trophy homes... Everybody can agree, no matter where we're from, that we do not need trophy homes. (Interview with author, September 2003)

The GBRPP has been able to make use of a support base for conservation from diverse local sources. Public support of conservation created alliances across socioeconomic backgrounds and even between old “Yankees” and more recent arrivals. Nevertheless, while they welcome the passage of local conservation bonds that has resulted, Principal Partners interpret the sources of the somewhat unexpected consensus for conservation within local communities as not especially praiseworthy, nor the result of their own efforts.

As professional conservationists, many not originally from New Hampshire, who prioritize lands based on factors such as species habitat value, the Partners frequently express frustration with the myopia of local conservation values, in particular the artificial framing of the issue as one of arriviste outsiders versus long-term insiders. While they do not dismiss the importance of xenophobia and pocketbook tax issues to their success in gaining broad public support, they do not romanticize locals—landowners or not—and their support of conservation, since they see local priorities as narrowly self-interested and rarely leading to support for non-local, less appealing, or more complex environmental issues. While the Principal Partners' attitude is not so much one of disrespect, but of practical disillusionment or cynicism, their stance seems to reflect that of an older generation of conservationists

dismissive of locals' differently-valenced support for their environment (Jacoby 2001; Jacoby 1997; Tober 1981).

However, the Partners in this case are not dismissive of locals for their extractive traditional uses, as was the case in the nineteenth century, but for the limitations of their backyard conservation ethic. In this case, local stakeholders are demanding conservation. Partners' must negotiate the many properties locals want protected at the moment and the passive uses locals prefer, versus the properties they feel are critical to the future survival of fragmented ecosystems, and the extractive uses that they know fund their efforts. Partners are also aware that local enthusiasm can wear thin, and passively-used "open space" protected by towns might later be desired for a community center or ball fields. They continually contrasted a long view, extending over the next century or even more, with the short-term, and possibly short-lived, gains locals currently have found in conservation activities. Partners, while caring deeply about and believing in their mission and the Partnership, are not even especially optimistic about the conservation work they are doing, frequently speculating on the limitations of their work and the uncertainty of the future for the species they are trying to protect.

For all the blurring of public and private identities and federal, state, and local affiliations that takes place within the Partnership, Principal Partners see themselves as distinct from long-term old-timers and their cultural ways. Locals may carry on an older tradition of conservation or respect for the land handed down from hunting and farming ancestors, and these traditions are greatly appreciated and respected, but from a distance. Rarely do Partners themselves hunt waterfowl⁵³—even the Ducks Unlimited representative, Mae Bodnar, is a conservation biologist in her early thirties not originally from New Hampshire. This contrasts

⁵³ The only exceptions to this I could find were reports from fellow staff members of one TNC employee and one NERR employee who were enthusiasts of local hunting—and neither of these participated in Partnership meetings.

starkly to the Ducks Unlimited employees in South Carolina, who are less often biologists than male real estate lawyers carrying on the hunting traditions with their children that their fathers passed on to them. Victor Hanlon, who as a state Fish and Game employee is part of the agency that regulates waterfowl hunting and clamming in the Bay, says, “I’m from New York City and I’m not a hunter... I’m an outsider, I can never be an insider” (Interview with author, September 2003).

Despite his belated education in hunting, Hanlon attributes the conservation successes in the GBRPP to these traditional uses:

I mean we are a conservation state, and we do value hunting and fishing... And that is a connection to the land that you—and that’s why this Partnership I don’t think would work if you did go back to Long Island, it wouldn’t work because people do not have that emotional connection to the land, it’s purely an economic value. But these Yankees they look forward to the sap running in the trees, they look forward to the birds flying in September, they have a real nature base, no matter how conservative. And it’s not the same as the Sierra Club’s nature base, but it’s just, it might even be, in a different way it’s just as emotional. (Interview with author, September 2003)

Clarence Rogers attributes New Hampshire residents’ love of the land to the fact that the landscape has been so degraded through past industrial uses: “I think New Hampshire people really treasure these areas and they may have gone through the first cycle where it was trashed pretty bad and they see the opportunity of keeping some of it. And it’s developing so fast, if you don’t do something now, it’s not going to happen” (Interview with author, September 2003). While conservation professionals in the Partnership see the old environmental traditions as rooted in statewide collective spirit, they identify more recent attitudes towards conservation as related to the “watering out [of] the old Yankee gene pool” in the Seacoast. According to Rodney Dennis of Forestlands Forever, which recently celebrated its centennial, strictly local concern is a more recent development:

I think the more local spin you can put on whatever it is you’re trying to publicize, which is a challenge for our organization, especially with all of these local land trusts becoming more effective and more visible in their

work, which I mean we celebrate. That's what it's all about, but it's harder to demonstrate the relevance of a statewide organization because more and more people are less concerned about the state and more concerned about what happens in their backyard. (Interview with author, September 2003)

Conservation professionals in the Partnership do not have personal connections to the traditional uses and conservation ethics of an earlier time, but they respect these immensely. As newcomers like themselves have entered New Hampshire politics and made their own marks on the landscape, these collective environmental ethics have been replaced by more locally-oriented connections to the landscape, and Partners understand these ties but do not accord them the same respect that they do to the earlier traditions.

While Partners might be expected to be thrilled with local conservation bond initiatives, their excitement is measured by the knowledge of why such support has developed at the particular historical moment of the early 2000s and whether such support will be channeled to their own conceptions of valuable and worthwhile conservation pursuits. Kay Truitt describes why the support for local bond initiatives has been so overwhelming: “Well, it's been I think a combination of the education component that's been going on throughout the region [a state-funded presentation on the costs of growth], but also it just plain hits people's pocketbooks. I look at my tax bill, for some reason it just went up three hundred dollars. It's like, wow, okay, and I usually support these things! But still, whoa, okay” (Interview with author, September 2003). Partners' worries are primarily based on their own experiences working with towns on Great Bay projects, and their understanding that appropriating money is not the same as spending it wisely or quickly enough to take advantage of existing opportunities. Victor Hanlon describes how he simply wishes the towns would act on their own and purchase what they want with their own conservation funds, rather than seeking Partnership collaborations:

The other thing the towns do is they try and—say they have two million dollars. Well then they have a piece for a million. Well they don't want to

go and buy it for a million, they only want to put in \$200,000. They keep wanting to stretch their money instead of having their own target priorities. Well it tends to get complicated with four sources of money, and we've gone in on some of those and we usually regret it. We almost really got screwed on a piece in Newmarket, because it required all these approvals to come together on time and the governor didn't uphold it. Oh god! The towns are always trying to cheap you. Instead of just going after their own projects. (Interview with author, September 2003)

As the professionals in the Partnership have learned, spending money quickly is a key factor in raising more money for conservation to build on early conservation successes. Partners are glad to buy highly-valued land because it is far easier to convince formerly reluctant or thrifty sellers that they are getting the best price. But towns' public accountability forces them to try to economize in land purchases, a practical impossibility at the top of a competitive market.

While towns may have adopted the Habitat Protection Plan from the GBRPP for their own planning efforts, their prioritization of properties is not necessarily the same as the Partnership's, which causes particular frustration for Truitt in trying to counter their assumption that the Partnership can swoop in and help them acquire their most-desired parcels: "They have this expectation that you're going to spend x number of dollars, you're going to protect this because this is our most important piece" (Interview with author, September 2003). Larry Aleman describes how it is difficult to convince towns to resist conservation projects closer to literal homes and to invest in properties which provide unfragmented habitat: "I'm trying to get them to protect certain areas, and they want to protect areas that in my opinion are very isolated and have very poor chances of providing the kind of integrity we like to see. But somebody in town likes it because it's next to somebody's house, and they want to walk their dog. But I don't want the whole thing to be made up of that kind of stuff" (Interview with author, September 2003). Because of towns' difficulties managing the local politics of prioritizing their values for open space and committing the substantial

sums of money required to be competitive against developers in the real estate market, Principal Partners are not especially enthusiastic about collaborating with locals.

In addition to differences in conservation priorities, Partners also confront challenges in maintaining public support for their decisions based on the land management plans they are able to negotiate for particular properties, particularly in the case of historical uses like hunting. The suburbanization of the Seacoast area and urbanization of the Portsmouth vicinity has made resistance to hunting more common, particularly for the “cowbirds,” or new residents from other places (Griswold and Wright 2004). While Wendy Griswold claims that such “cowbirds” contribute to the “dynamic endurance of regionalism” by reinvigorating appreciation for local color that long-term residents might take for granted, “cowbirds” in New Hampshire frequently appreciate the aesthetics of local landscapes without understanding that locals’ appreciation is more often rooted in use value. In this sense, local citizens’ “backyard environmentalism” (Sabel et al. 2000) is far more like that of the nineteenth-century conservationists who wished to preserve Yellowstone and the Adirondacks from their resident populations (Jacoby 2001) than the motivations of the Partners in the Great Bay. In San Diego, backyard environmentalism was seen by local chapters of national organizations as a positive phenomenon through which they could mobilize public support and political attention and monitor potential management problems over a vast landscape; in the Seacoast, backyard environmentalism is not perceived as a boon for Partnership activity since local citizens are often the ones complaining about formal provisions for land protection and management that allow uses new residents find harmful, like hunting.

Victor Hanlon is eager to talk about his frustrations with suburban residents when looking at a map of protected properties in the Bay: “Let’s talk about hunting. Down here is Portsmouth so we only protected that piece, which is called Great Bog, but deeded with hunting, and now they’re trying to fight that and saying, ‘Well, it’s dangerous!’ Well, you’ve

wrecked your whole city and now we're the bad guys because we've protected the one area. It drives us crazy. Although I suggested let's make it a bow hunting area" (Interview with author, September 2003). Because of the fragmentation of the landscape in the Great Bay area, protected properties are frequently adjacent to development, despite the resistance of Partners to projects without much connectivity to other preserved parcels. Suburban residents tend to think of adjacent protected properties as an extension of their own backyards, as Hanlon describes, "And these suburban people, well they think, 'Oh, well, I live next to this land, it's now for me'" (Interview with author, September 2003). The problem is intensified with newer residents who are unfamiliar with the area before they buy homes, often in the summer prior to hunting season in the fall: "All the new houses going up are people from Boston and they have no, you know, they're here a month and then they call up and say, 'Well, there's shooting in my backyard!' Well there's been shooting there for 375 years!" (Interview with author, September 2003). While it may seem strange that the partners do not simply adapt their easements to reflect the realities of denser development by restricting hunting, this overlooks the importance of hunting to their funding streams and to the organizations that support conservation. Should coastal New Hampshire no longer become a tenable place for hunting, it would still be important as a black duck wintering area, but organizations like Ducks Unlimited might stop investing resources in the region as they have in Southern California, where hunting is simply impossible due to the pace of residential development. New Hampshire's Principal Partners are racing against the tide of development to conserve enough properties such that the Seacoast region is still worth conserving for traditional uses like timbering and hunting rather than written off as a site of inevitable urbanization.

While Partners express frustration with the shortsightedness of newer residents and their lack of understanding of New Hampshire traditions, such anger is tempered by the fact

that most are closer in culture, background, and residential proximity to the urban professionals moving in than to the old-timer landowners with whom they work on conserving properties. Hanlon himself admits that he lives in a development on a property he couldn't save—but still points out the distinction between his investment in the future of the state and his neighbors' transience:

This whole sprawl thing. I mean, like people are so excited about the train [passenger service being restored from Boston to Maine]. Well I am from one perspective, and on the other hand, I'm scared shitless of it. The train's going to make it easier to commute... I bought a home in a nice subdivision that we didn't protect, and I'm surrounded by conservation and that's why I bought it, and like all my neighbors, they telecommute to Cambridge and Boston! Well that's really dangerous because what happens to New Hampshire? And that's driving me crazy because they're paying income tax, but to Massachusetts. (Interview with author, September 2003)

Mae Bodnar, herself a transplant from New York, describes how the motivation for conservation on the part of newer arrivals is more cultural than environmental:

Even the folks who have moved into the area don't want to see it get too built up. I think a lot of people that moved to New England moved to New England because they thought it was less urbanized. There's a reason why they left the New York City-Boston area. They want the quieter life,... they want to keep it the way it is and stop building it up. They don't necessarily realize the other things, lack of wildlife habitat, water quality issues. They just know that they don't want to see the roads and the traffic, they want to keep the slower pace. And they like the small quaint towns that they feel are really New England. (Interview with author, September 2003)

Feelings were mixed about the longevity of this interest in conservation given current growth patterns; as Hanlon points out, a train might cut down on traffic but facilitate more intensive immigration from Boston.

Rodney Dennis anticipates that the problems the Partnership faces with cowbirds will only be exacerbated as time goes on:

Say one hundred years from now when the world has ten billion people and New Hampshire has 3.5 million people and all these little postage-stamp-size pieces of protected land are surrounded by development, and you're constantly dealing with encroachment on that land, and you're dealing with compliance issues and a breach of terms on an almost annual basis. That's

going to be a real challenge and I've just painted a very grim scenario but it's probably not unrealistic. (Interview with author, September 2003)

Concerns for the threat from suburban abutment are not simply based on Partner devaluing of suburban residents' preferred uses of conservation properties as passive playgrounds. The state coastal program ran a stream assessment on a brook in the Great Bay watershed that revealed that one hundred percent of abutters were using the riparian corridor as a disposal area for household, yard, or automotive waste (Miller 2003). Principal Partners' frequent dismissal of newer residents' tenuous attachments to and respect for the Seacoast landscape is based on newer residents' rejection of conservation for traditional uses as practiced by the Partners. Partners in turn reject these residents' uses of conservation lands as an extended backyard and for horseback riding and dog-walking as unsavory forms of encroachment. The complexities underlying these tangled logics of "appropriate" attachment and use of conservation lands in the twenty-first century indicate the difficulty of maintaining legally defensible conservation protection agreements over time. There may be broad public consensus for conservation in New Hampshire, but Partners openly acknowledge that they have played little role in public interest and enthusiasm for their conservation projects, and probably will not be able to maintain the fragile consensus for conservation in the abstract on particular projects or properties in the future.

Despite their respect for long-term environmental traditions and the special qualities of New Hampshire that have enabled the Partnership's success, Principal Partners are not overly worshipful of all local traditions or overly romantic about New Hampshire residents' storied Yankee thrift, local independence, or even their volunteerism. As members of nonprofits working endlessly to raise operating funds and find matching dollars for grants, Principal Partners frequently bemoaned the lack of philanthropic spirit in New Hampshire. Victor Hanlon, among others, describes the stark results of a recent study: "And New

Hampshire ranks forty-ninth in donations... But we rank first in per capita volunteer hours.

So you look at that and you go, well that tells you the mentality, it's not that the people are mean but they're cheap. It's a generalization but I draw from those statistics that they're willing to spend their time but not their money" (Interview with author, September 2003).

Partners, particularly those involved in land transactions, also have up-close experience with the thrift and distrust of landowners, who have scuttled or prolonged many deals by insisting on never-ending appraisals of the fair market value of their property. Victor Hanlon epitomizes this grudging awe at the futility of locals' economy:

Oh yes, yes, I mean right, certainly I would never be mad at a farmer and he has every right to send his kids to college and retire and his money's not in his income but in his land. So I have no problem with them selling it. The problem I have is when they don't want to sell it to us because they think we're government and we're going to cheat them. And then they put it on the market and the realtor lists it for less than we're offering them. Now that's just plain— And it's happened. And then we end up buying it, through the realtor. And they have to pay the realty fee. That's the old Yankee. (Interview with author, September 2003)

War stories of such outcomes are traded among the Partners at meetings, with the most extreme cases rehashed especially for a guest sitting in. Stories like Hanlon's are significant not simply because they illustrate typical partner frustrations but because they also suggest an additional source of the Partners' conflicts with landowners—the fact that, during their negotiations for land, they are on opposite sides of the negotiating table. While they must cultivate landowners' respect and see themselves as future partners if such land is conveyed after a market-value offer, landowners frequently want to turn such negotiations to their best competitive advantage. This antagonistic attitude on the part of landowners only solidifies Partners' sense of superiority to landowners, despite their sensitivity in dealings with them. As we will see in Chapter Five, landowners serve on the Task Force in South Carolina, are expected to donate, not sell, their properties, and as a result are far more respected as equal participants and as noble contributors to the larger cause of conservation.

Despite their belonging to interest groups, Principal Partners see their role in comparison to that of state legislators, towns, and landowners as representing a larger, common interest more responsive, foresighted, and secure than is possible within local, state, or federal government. Rodney Dennis sees the tax structure of New Hampshire and the shortsightedness of those who stand in the way of conservation as hindering the potential gains to be made from more amorphous public support of conservation:

Totally defining New Hampshire to me is the tax structure. There's a lot to be said for it but at a time when public sentiment is at an all time high for land conservation in the state and the willingness of people to pay for it with their tax dollars is broad-based, deep and broad-based. We lost \$13.5 million of conservation funding in the operating budget that was passed—LCHIP. And it's because of the boneheads who are running the state right now and their myopic view of the world and their inability to think about the future really, is what it comes down to, is they're not thinking about the future. They're thinking about today... I guess I would say we have a really hard time recognizing when the common interest supercedes the interest of—when the common interest is greater and more important and necessary to deal with than the interests of the individual. Whether that's the individual person, or the individual and his or her rights as a property owner. Or the interests of the community and their sovereignty relative to the good of the entire state. I guess that's what I'm trying to say.

Dennis's long rumination on collective responsibility is typical of Partners' feelings that their concerns for long-term solutions to environmental problems separate them from all those who allow personal, local, short-term interests to supercede their commitment to larger value systems. This puts Partners in a strange spot, as they must cultivate locals' attachment to their properties and towns' independent sense of their own destiny.

The foregoing discussion of Partners' somewhat imperious stance on the difficulties of managing local conservation enthusiasm and consensus-building for HPP goals over the long term may portray them as misanthropic or disrespectful of locals who are, after all, their neighbors. The Principal Partners' attitude towards locals' myopia is more gallows humor than personal grudge, however—particularly since their joking fatalism and humility about the difficulties of coping with the contingencies they have been dealt extends even to the species

they are protecting. Truitt points out that Community Partners and towns seem to think the Partnership is more powerful than they actually are: “But controlling land negotiations, nobody can control land negotiations, and yet I feel like there’s an expectation that we do!” (Interview with author, September 2003). Partners engaged in habitat restoration acknowledge that they must keep their god complex in check when trying to manage the unpredictable habits of humans and animals. Victor Hanlon points out a prime piece of property and jokes: “It’s eagle habitat, we think it’s the highest potential for nesting eagles. We could get nesting eagles here. Not that we get to decide where the eagles nest. You know, you do all this and then they go right to [Interstate] 95” (Interview with author, September 2005). Chris Marable, the Great Bay Refuge manager, similarly complained to me that despite his attempts to mow refuge land especially to attract dwindling grassland species, bobolinks were very difficult to “entice” from the nearby airport’s dangerous runways, where they preferred to nest. While Partners may seem to take for granted locals’ support, or even to think that their conservation efforts occur in spite of locals’ somewhat uncooperative enthusiasms, these stances are part of an overall goal orientation that is itself myopic in its resolute focus on “bucks and acres.”⁵⁴ Partners’ distancing of their own from locals’ perspectives is in stark contrast to that of Task Force members in South Carolina, who see landowners as compatriots.

The humor in New Hampshire indicates an acceptance of communities as potentially powerful actors, and a critical opinion of locals’ conservation impulses as well-intentioned but misdirected, whereas the Task Force in South Carolina is largely humorless about local traditions, and claims that their interests overlap perfectly, even if this requires some

⁵⁴ Until 1996, “bucks and acres” represented the Nature Conservancy’s primary means of professional accountability and measuring progress. They subsequently revised their mission to measure habitat outcomes more accurately, but the Partnership still operates mainly on the basis of this goal orientation (Bosso 2005).

convincing on the locals' part. As in San Diego, reverence for the sanctity of local input and local prerogatives in South Carolina prevents a consideration of their less savory aspects. But lack of criticism of locals' interests in theory may also signal the staleness or death of these ideas in practice. As Ann Swidler claims (forthcoming), the imposition of institutional logics is not a matter of "fit" or "non-fit," but entails a spectrum of possibilities in which a "stretch" requiring accommodation from locals and outsiders can actually be the most productive for the implementation of organizational projects in local contexts.

Partners found that newer residents were supportive of conservation and attracted to conservation lands, but wanted to use these lands in ways deemed inappropriate or dangerous by the Partnership for their continued viability as habitat. On the other hand, newer residents frequently found that the conservation uses that the Partnership deemed appropriate for particular parcels were dangerous, and Partners had to spend time defending hunting as a historic, safe, and compatible land use. Towns' adoption of the HPP did not prevent some conflict over the towns' setting of priorities for purchase, especially when they wanted the Partnerships' help with fragmented parcels of open space that ranked low in habitat value. Partners thought conserving such land was important for the towns, but not worthy of Partnership support since it did not fit in to their own ranking system. Nevertheless, they knew that towns did not have much chance of purchasing such properties on their own because of the capacity this required, and assisted them reluctantly. Despite the Partners' respect for traditional New Hampshire uses and environmental values, they also experienced difficulty with other traditional traits like thrift and independence, and distanced themselves from landowners based on their sense that landowners' antagonistic approach to negotiations was short-sighted.

The local political context in which the GBRPP operated yielded a surprising amount of receptiveness in the late 1990s and 2000s to the infusion of outside money suddenly

available for conservation in the fast-growing Seacoast region. While the enthusiasm of local towns and landowners for conservation may have been in part due to the Partners' careful solicitation and inclusion of landowners' and local towns' input, such zeal could also be attributed to the fact that locals were under increasing stress from the suburban infrastructure demands of newer residents, and many wanted to shut the door against the sprawl they interpreted as representing an intrusion of trophy homes for Boston commuters. Principal Partners depended on such local support as potentially-intrusive outside agencies and national and statewide organizations, but they also were skeptical of the conservation values and xenophobia on which this support depended. They were highly aware that, despite their care in soliciting the participation of community stakeholders, this consensus for conservation had not come about as a result of their largely privatized decision-making process.

These concerns for the Partnership in promoting ongoing consensus on conservation priorities and managing spontaneous grassroots enthusiasm for their potential role in controlling growth led the Partners to take a reactive stance towards conservation in the Great Bay area. They were most comfortable with those landowners and individuals who understood their mission and would be most agreeable in land negotiations and future interactions related to ongoing management. The Partnership prided itself on its long view of the common interest, and was passionate that this not be misunderstood by the local community. They were also unwilling to push the limits of their acceptance, a clear sign that even after their long record of work in the community, they still perceived themselves as interlopers. The informalized New Hampshire process, with its marginalization of community participation in consultative settings and limited transparency and accountability, may be understood by deliberative theorists as problematic but acceptable in a setting where there was broad public agreement over conservation values and, as such, seemingly not much to contend over. Nevertheless, Partners did not simply interpret local support and alliances among newer

and older residents as evidence that their decisions would be borne along on a tide of consensus. In fact, they were highly attuned to assessing which conservation and property interests were likely to produce emerging conflicts and erode consensus in the plans they had made. Maintaining the priorities set out in the Habitat Protection Plan, and managing the lands that had been acquired in the ways that they were legally bound to, has required more and more of the Principal Partners' time, resources, and attention.

Benefits of Engaging in the Process: Keeping Social Capital in the Partnership

As described earlier, the two-tiered scheme of participation in the GBRPP led to a low-key form of consultative participation in decision-making for towns and local stakeholders. Local stakeholder participation is ongoing, but it is not empowered or deliberative in the sense that Fung and Wright believe will generate surplus stores of social capital. Community Partner meetings may have produced regular encounters among local stakeholders, but an hour of informal pizza-eating every three months hardly constitutes a "powerful socialization experience" (Button and Ryfe 2005) of the sort that alternately tempered or galvanized MSCP participants facing opponents across a dais for three hours at a time. Individual meetings with town members or conservation commissions to solicit their input may have been less taxing, but they also did not encourage towns to learn about each others' needs in the way that monthly meetings of all jurisdictional representatives may have.

In general, the lack of transparency with which the Partnership conducted its business did not encourage local communities to learn more about possible areas of commonality or conflict. While deliberations among the Principal Partners may have enhanced deliberative skills among the group of nine, the groundswell of support for conservation in local communities did not come about through the force of the better argument in town meetings so much as from sticker shock at individual residents' property tax bills. Because of the federal

money being channeled through the Partnership, towns turned to the conservation offered by the GBRPP as a strategy for controlling growth. This put fiercely independent towns in competition with each other for Partnership funds. According to theorists of deliberation, the limited style of formal participation, opaque decision-making, lack of public accountability, and preference for individualized consultation and negotiation in the GBRPP would not predict substantial second and third order collaborative effects from engaging in Habitat Protection Planning in the Seacoast. I conclude my empirical comparison of perceptions of inclusion, transparency, and consensus-building in the GBRPP with a comparison of perceptions of the collaborative social capital (Thomas 2003, 163-4) the two-tiered participation process generated. This is in order to test the presumption that, if good deliberations lead to positive social capital benefits regardless of contentious outcomes, as was predicted in the MSCP, more exclusive, opaque decision-making will produce more limited social capital regardless of how much the outcomes of such decision-making were embraced in the GBRPP.

Some may claim that the avoidance of formal inclusion and transparent decision-making in the GBRPP did not produce more complaint from community stakeholders simply because there was little local conflict around the issue of conservation. Indeed, many would argue that New Hampshire towns are classic strongholds of civic engagement and the resulting social capital that theorists like Putnam claim is exercised far more often in such places (2000). Just as some might contend that conflict between “enviros” and developers was inevitable in the MSCP, some might contend that solidarity and institutions that effectively channel social capital for public benefit pre-existed the Partnership’s founding—that the Partnership itself was a second or third order result of the first order institutions (volunteer conservation commissions and planning commissions) whose participatory, deliberative efforts it openly built upon. If participating in deliberation serves as a “school of democracy,”

the local stakeholders in the Seacoast may have already been well-schooled, and simply able to invest in forms of GBRPP engagement that were the most substantive and efficient for the goals they sought.

If this is, in fact, the case, then exploring how the benefits of the GBRPP's Habitat Protection Planning process extended to relationships and resources in the larger community should provide us with a better understanding of the tolerance for limited transparency and participation possible in an environment of substantial trust. But it should also allow us to gauge the importance experienced deliberators ascribe to Mansbridge's "'independent desiderata' of personal transformation and better deliberation" (2003, 187). How extensively and effectively was the GBRPP able to leverage Innes and Booher's new partnerships, better coordination, joint action and joint learning in the community, new collaborations, and new institutions (1999)? How did local stakeholders perceive these external effects of the consensus-building achieved through the GBRPP? How important did they think subsequent partnering efforts, new collaborative institutions, and improved coordination with like-minded organizations were? Like stakeholders in San Diego, those in the GBRPP acknowledged extensive familiarity and firsthand experience with the benefits of partnering and collaboration. As in San Diego, they did question the benefits of the increasing number and variety of formal institutions dedicated to collaboration. But unlike the experimentalism in the San Diego environmental community with regards to formal and informal partnering arrangements, Principal Partners moved quickly to restrict their improved coordination and partnering to projects that supported their original goals, and to control the gains that smaller-capacity groups may have reaped through participation as Community Partners. As in Chapter Three, I focus my analysis on those areas where we might expect the most substantive second and third order returns: interagency and NGO collaboration, cooperative relationships among jurisdictions, and institutional transformations in the environmental community that can be

directly attributed to participation in the GBRPP; in this chapter, I compare these outcomes to those in San Diego.

Agency and Elite NGO Alliances: Circulating Capital among Principal Partners by Leveraging Difference and Downplaying Collaboration

Given the substantive cooperation and deliberation among the high-capacity Principal Partners, one would expect that interagency and elite NGO cooperation would be relatively straightforward, and the partners certainly have no problem leveraging these relationships in Concord or Washington, just as the Working Group did in their lobbying for outside funding. For NOAA funding, Victor Hanlon points out that Senator Gregg's staff can count on the Partnership for smooth results: "The Gregg folks will tell you, 'Oh, we love funding the Partnership because they do it'" (Interview with author, September 2003). The cooperative partnering of NGOs with agencies in the public-private consensus-based Principal Partner group in New Hampshire, like the interagency cooperation among city, county, state, and federal government officials in the public MSCP process, would be the first place to look for second and third order benefits. As in San Diego, the increased efficacy of interagency and NGO partnering on projects outside the Partnership would be the most likely benefit of any improved relationships, coordination, and resource-sharing generated through the Principal Partner group itself. In fact, Principal Partners are extremely conservative in circulating this enhanced partnering ability, and tend to reserve resources for the Great Bay and efforts that will directly improve it.

In order to ensure the stability of their own work, the Partnership encourages the sharing of easements, fee ownership, and management responsibilities among multiple public and private entities. Whereas in San Diego, environmental organizations were effective at getting together in order to be more effective at adversarial approaches such as litigation, in

New Hampshire, organizations reinforce ties to each other for the sake of their own projects. This is a continuation of the emphasis of the Partnership in New Hampshire on cultivating internal sources of strength by relying on existing networks and institutions. Clarence Rogers, of the Nature Conservancy, describes how TNC tries to specialize in acquisition and then transfer responsibilities for the properties to a wide range of groups:

TNC is an acquisition agent. We're trying not to own a lot of land. When we transfer a piece of land now for instance to the Audubon Society, we transfer an easement also out on the same piece of land to New Hampshire Fish and Game, so there's a cooperative effort and a cooperative charge to manage that land. And we've been at this for five, six years and now one of our big jobs is transferring these lands out. (Interview with author, September 2003)

Transferring responsibility for properties to multiple partners serves as backup protection in case a Principal Partner suffers a change of fate or crisis. It also serves the purpose of encouraging organizations with varied goals to share responsibilities and coordinate informally over the course of the year outside the quarterly meetings. Not least, sharing responsibility for Partnership projects creates more net property for each group to claim as acreage conserved in their own mailings and annual reports.

Partnership cooperation is extended to unrelated external projects within the formal Principal Partner meetings. For Principal Partners, the limitations of Habitat Protection Plan priorities lead to partnering on wholly independent projects that might not fit the Plan's goals or project area but do fulfill the goals of their organizations. Truitt sees this added capacity as a blessing since the Partnership's limitations allow it to stay focused and the Partners can benefit from knowing about other potential projects:

Truitt: A major funding source is in a way a saving grace. We target an area, we go in, we put our heads down, we work there for a few years, we get as much done as we can, if it's not in the project area, sorry. However, I do get calls, and this is the beauty of the Partnership. Something over in Rye on the coast, they don't have any money for it. Brought it to a [Principal] Partner meeting and Fish and Game said, "Gee, this would be cool as a state park,"

and Audubon said, “We’ve got \$20,000 in our restoration budget,” and so they’re partnering together on that.

CL: So there are things that happen outside the Partnership that are because of the Partnership?

Truitt: Absolutely... We’ll bring it to the Partners and say, “Hey, does anybody want this salt marsh?”... And that’s a great piece of the Partnership. (Interview with author, September 2003)

Bringing outside projects to private Principal Partner meetings produces additional benefits for Partners that reinforce the value of continuing membership. The opportunity to hear about potential deals and the capacity for first refusal that the Partnership provides is in many ways similar to the backstage workings of growth machines inasmuch as members must suppress their organizational interests for the collective mission of conservation, but can reap substantial individual benefits simply from having access to other Partners’ social networks and vast store of insider information on project “leftovers.”

As successful as the Partnership has been at coordinating Partners’ efforts in lobbying for outside funding and sharing information and resources on external projects, they do not claim that generating improved relationships is a goal in itself. Like Jeffrey Ecker in San Diego, these are professionals who know their way around terms like social capital, but “feel good” networking relationships of the sort derided by elite NGO representatives in San Diego were also not perceived as a benefit of engagement and consensus-building in the Seacoast. Networking relationships were a means to an end for the Principal Partners, who are primarily concerned with results—as quantified in hard measures like dollars spent and acres conserved. The Partnership is a passion for the Partners because, unlike for the elite NGOs in San Diego who opted out of inclusive meetings, it is an exclusive site where the concrete groundwork for deals gets laid. In this sense, Principal Partners are very much like the rent maximizers of place entrepreneurs in growth machines—habitually concerned with progress and expansion (Logan and Molotch 1987).

Partners know that success gains recognition and status within the community, but continually emphasize the Partnership as keeping its head down and using recognition of a favorable climate for conservation in Great Bay solely to generate additional investments from national and federal entities. According to Truitt:

There's nothing better than spending money fast and spending it well. And having a wonderful press opportunity for everybody who was involved. So all those factors came together really well. The fact that there had been contact with the communities in the early 90s, Habitat Protection Plan, the agreement of the Partnership, the estate planning workshops, and then, we got a million dollars, we spent it, and we started getting more money after that. So that's sort of how things got swept along. (Interview with author, September 2003)

Clarence Rogers similarly focuses on extraordinary results as his prime motivator: "I guess I'm most proud of what we've accomplished. We far exceeded what we thought we could do" (Interview with author, September 2003). Rodney Dennis of Forestlands Forever can easily toss off his organization's statistics: "I think the Society has made a difference. We've been directly or indirectly involved in what will be a million or 1.2 million acres of land since 1901 and that's out of a total protected land area of 1.5 million acres... the state will be twenty-six percent protected land after October 10th. That's pretty impressive" (Interview with author, September 2003). While these organizations' reliance on grants and routine organizational requirements like annual reports may dictate the concrete terms in which they frame their success, they are able to claim partnership projects as their own, whereas in San Diego, the framing of success in the MSCP was less about collective acreage conserved and more about piecemeal input in plan design "won" through deliberation and negotiation. This accounted for comparatively less pride about organizational accomplishments within individual organizations in San Diego, since such organizations could be disenchanted when their input was whittled away or not implemented in practice. While the Partnership activities were clear "win-win" situations for the Principal Partners involved, this cooperative character was not

advertised as success in itself. In fact, collaboration was often downplayed for the benefit of the group when relating with Partnership funders and local stakeholder audiences.

Unlike the putatively equal decision-making status of representatives in the Working Group, Principal Partner relationships and roles were openly and unapologetically unequal, largely based on groups' unique programming and financial contributions. Whereas Fung and Wright's EPG model requires "rough equality of power, for the purposes of deliberative decision-making, between participants" (2003, 24), the Nature Conservancy ran the show. Mae Bodnar describes DU's evolving role in the Partnership as one of specialized input at the deliberation table: "So at the time when the Partnership was first put together, we were there largely for technical advice at the waterfowl wetlands perspective, even though Fish and Game were there at the table. And it was our hope that as we got bigger, we could contribute money-wise. What we're doing now, ... we're one of the only partners right now doing habitat restoration in the Great Bay area" (Interview with author, September 2003). Cooperation was based on using the individual strengths and different capacities of organizations in interacting with outside stakeholders or lawmakers for the benefit of the larger group. Principal Partners claim that a great deal of this benefit had to do with actually not appearing to be working together because public perceptions of the virtue and persuasive power of individual groups varied depending on the audience. This acceptance of uneven skills, resources, approaches, and differing individual responsibilities is critical to understanding the ways that the Partnership downplayed their collaboration. The differentiated style of fundraising and lobbying cooperation in the Partnership is particularly interesting in light of the seven years after the MSCP that HAN, HCC, and the elite NGOs waited for regional cooperation to materialize before they decided to collaborate on helping the jurisdictions develop a regional financing mechanism.

The Nature Conservancy's designation as lead acquisition agent meant that it handled complicated real estate transactions, and then transferred properties and easements to the other Partners as decided in advance. The Nature Conservancy's staff person for the Great Bay, Clarence Rogers, worked so closely with Kay Truitt that they essentially became the public face of the project to landowners, while other groups remained in the background on acquisitions but would later become more prominent in stewardship and management of the land once it had been acquired. Victor Hanlon claimed that there was "a lot" of resistance to the Department of Fish and Game as state government, but "the state's not the agent, TNC is." When asked if he thought that the TNC chapter's role as agent was resisted because of its national affiliation, he claimed that he hadn't seen any local resistance to TNC as an "outside" or a recognizably activist environmental organization: "I haven't seen that. I think the fact that they're not government is a bigger plus. You know because they're not like Sierra Club... Probably these people have never heard of the Nature Conservancy. So they probably don't know its name" (Interview with author, September 2003).

Forestlands Forever, the large, experienced state land trust and conservation advocacy group, certainly had the skills to act as the lead acquisition agent, especially given the assistance its staff lent the Nature Conservancy on the Partnership's transaction work, and Rodney Dennis of Forestlands Forever saw TNC as critical for different reasons than Hanlon. Dennis describes his organization as a local facilitator for national groups who provide essential working capital but need help negotiating state and town politics:

I think there can be a tendency among the larger national groups to sort of be a bull in a china shop and not understand the political nuances of a particular project or issue and get themselves in trouble... I think we've been able to bring that to a lot of larger projects, where they bring the working capital and the ability for example to purchase an option agreement on a multi-million dollar project, for instance, we don't have that kind of working capital. And what we bring is the knowledge and experience and working the public relations and sort of the local lobbying. *You know there's no way that those groups could get our state legislature to appropriate money without us and*

other in-state groups taking the lead on that. (Interview with author, September 2003, emphasis mine)

As compared to the MSCP in San Diego, where elite national conservation financing organizations worked outside of the participatory planning process, and control of the plan was in the hands of state and local officials and planners, TNC is the acknowledged leader within the Partnership, and provides assistance to the state in land transactions that would be impossible for town or state governments to accomplish on their own. While Forestlands Forever takes the lead lobbying with in-state groups at the state level, the national Partner organizations serve as a link between the politics of appropriations in Washington, the GBRPP, and the surrounding communities. Rodney Dennis notes the “advantage of the national groups” is their access to working capital and to power players in Washington that Forestlands Forever does not: “They also have sort of insider, they can play inside baseball in Washington around appropriations that we can’t to the same extent. Because they have people down there. And having people involved in that process and building relationships and going out to lunch and all that stuff makes a big difference” (Interview with author, September 2003).

Whereas elite NGOs remained hands off in formal decision-making in San Diego, their informal cooperation in New Hampshire demonstrates the much larger payoffs NGOs were able to reap in assisting state agencies privately on terms that would benefit organizational and agency imperatives. Interagency cooperation with NGOs was facilitated by distinctly-defined roles and willingness to downplay cooperation and highlight individual accomplishments in order to promote the groups’ overall mission. Principal Partners emphasized information and resource-sharing and coordination of lobbying efforts as benefiting individual acreage goals over relationship building. But they were careful not to attempt to build new institutions or alliances where trusting relationships were not already

present. This belief in the difficulties of partnering beyond the region is particularly critical when considering that New Hampshire's eighteen-mile coastline makes the Seacoast ecologically dependent on conservation activities occurring in different states in the same watershed.

Partners recognized that, despite the relatively obvious benefits of participating in deliberations and using group consensus to achieve collective and individual goals, parallel organizations and agencies could not marshal their energies cooperatively in the same way. Rodney Dennis describes how surrendering autonomy is essential to creating a resource-based identity larger than any one group:

Last year we tried to do something similar along the Connecticut River... The whole intent of that thing was to be the rising tide that raises everybody's boat by pulling together and creating an identity, a land protection identity for political and public relations purposes, that would bring more money, greater visibility, and awareness. I was the one who convened that effort and I was very disappointed that the one group just couldn't see the advantage ultimately to them. They saw it as somehow undermining their territory or their autonomy or their donor base or I'm not sure what. That was not the intent of it. The intent was really to do another Great Bay Partnership along the Connecticut. So we could go to our delegation and the Vermont delegation and really build a buzz around the need for funding, for project work. (Interview with author, September 2003)

Even in strongholds of participatory social capital like New England, extending the benefits of Principal Partners' collaboration to other contexts and parallel agencies was a challenge. Potential partners with clear mutual interests are unable to unify politically because of their allegiance to state identities over resource-based identities. While a third of the Great Bay's watershed is in Maine, and Maine's Wells NERR is within it, Victor Hanlon points out that very little cooperative activity has occurred because, "there's great *camaraderie*, but the reserves are all state-based and all of us are slaves to our own state" (Interview with author, September 2003, emphasis mine). Allen Sperling, the coordinator of outreach at the Great

Bay Reserve, expressed frustration that employees of the Wells Reserve led a trip to the Great Bay, but he did not find out about this until after the fact.

While shared interest in resources or fellow feeling can be a source of collective action and commitment, it is by no means a sufficient reason for such cooperation to occur, and jurisdictional boundaries provide significant obstacles to such activities. Rather than attempting to broaden their cooperation to adjacent regions in the same watershed, Principal Partners were conservative in terms of expending interagency and agency-NGO social capital in places where cooperation would be harder to achieve. Victor Hanlon describes fellow feeling among the reserves but says that external political realities dictate the feasibility of working together, even within a shared watershed: “Traditionally, Maine and New Hampshire hate each other. It’s a border war, and it went to the Supreme Court a year and a half ago and Maine won and New Hampshire lost. We were fighting over an island like New Jersey and New York over Ellis Island. So when you have that, governors have to fluff their feathers, so it’s hard to work” (Interview with author, September 2003). Despite the watershed’s extension into Maine, the Great Bay Partnership has chosen not to cross state boundaries to partner in their conservation work. Working together with agencies of other states is difficult, according to Rodney Dennis, who describes New Hampshire and its neighbors as “four very different states with their own political culture, their own unique rural traditions, their own patterns of land use that were unique to their state, their own laws” (Interview with author, September 2003). Principal Partners could not avoid demands to use their social capital in order to promote jurisdictional cooperation within their target region in the same way.

Channeling Interagency Cooperation to Jurisdictions: Challenges of Regional Planning under Home Rule

CL: How active are the towns in terms of working together and seeing collective regional interests?

Rodney Dennis: Well, New Hampshire has been described as a loose confederation of 234 independent republics. (Interview with author, September 2003)

As Jeffrey Ecker described in Chapter Three, despite its participatory process, San Diego was unable to put together a new institution for locally-sourced funding: “There’s a regional funding source requirement which is how [funding is] supposed to happen, by the way, but that has never come together because it takes a lot of cooperation” (Interview with author, February 2004). San Diego was able to marshal Working Group organizations and agencies to solicit funding in Washington, but getting local governments to chip in together was a difficult challenge. For the Great Bay Partnership, the benefits of getting substantive input at community meetings and being sensitive to the needs of volunteers and subregions led to durable fellowship that yielded contributions from communities for conservation planning and management projects. As in most of its dealings, the Partnership saw little need to improve upon a cooperative formula that worked, especially when they knew the considerable obstacles to jurisdictional cooperation. As such, the Partnership itself served as a regional funding institution for coordinating local contributions, and Principal Partner representatives informally got inside access to local decision-making by directly serving in their own town governments. When Principal Partners did develop a new institution to encourage more effective decision-making in the towns, the coalition of agencies and regional planning commissions worked with towns individually. Towns remained autonomous, but their actions were coordinated by public-private central administration, as Fung and Wright hope will happen in EPG.

The extent to which towns felt as though the process was “theirs” is indicated not just by their investment in Partnership projects but by their voluntary adoption of Partnership Habitat Protection Plan priorities as their own. As part of their efforts to solicit prior town and

state planning data, the Partnership offered to share the information they ultimately gathered with communities. Truitt describes how she made clear that this was being offered from the beginning of her outreach efforts: “We will make this information available to you, and it will be made available through [the state university’s data management] system and through your regional planning commission, and you can use it in your planning efforts” (Interview with author, September 2003). Over time, many towns and their planning and conservation commissions have taken the Partnership up on this offer for their own master plan revisions and priority-setting, according to Clarence Rogers: “Our study has been up front in those master plans. I think just because some group sat down and put it all together and took the two years’ time that it took to do that. And I think the towns have jumped on those as good planning tools and information. It has been very satisfying, that part of it” (Interview with author, September 2003). Rogers describes how this synergy has created closer partnering relationships: “New Hampshire has regional planning commissions that are not on the Partnership but have pretty much adopted our priorities... we see them as a partner but not a partner” (Interview with author, September 2003). I asked Rogers if there were many of these “unofficial” partners:

A ton of them, a ton of them... We do cooperative projects with them. One thing that has happened since we’ve started is that, for instance, last year, the towns have passed bonds exceeding twelve million dollars and in their planning for spending that money, they have asked for our planning documents, and they’re concentrating not on what we’re acquiring but to complement what we’re acquiring. And it’s really kind of an offshoot of the Partnership. (Interview with author, September 2003)

Conservation commission minutes document that efforts to solicit joint contributions from adjacent towns are decided in advance by the GBRPP; Truitt approaches each town individually, and asks for their funding, peripherally mentioning the support of other towns: “They want Durham to be a partner along with Newmarket. This could lead to 2:1 matching for land conservation” (Durham Conservation Commission 2005).

In dealing with towns, the Partnership is often frustrated by the uneven and unstable character of local governance, according to Principal Partner Mae Bodnar:

You're dealing with a lot of towns, and you're dealing with generally conservation commissions in that town or the board of selectmen in that town. It's a lot of individuals that you hope their heart's in the right place, but not necessarily, the conservation commission is all volunteers, the board of selectmen is all volunteers, so their backgrounds are completely different. They have different reasons for being on those boards in the first place, so when you're trying to get those towns to help themselves buy land, or the Partnership is giving some money towards the project, and they have to give the rest of the money, that can be interesting to say the very least. And it varies from town to town. And it varies from year to year sometimes from town to town, because the selectmen and the conservation commission are only on for a couple of years at a time. (Interview with author, September 2003)

This instability has also provided opportunities for Partnership members to bolster support for their projects. Unofficial links between towns and the Partnership came from Partners and agency staffers taking advantage of their ability to serve directly in volunteer positions in town government. Partners made use of New Hampshire's highly participatory local governance structure to volunteer their often much-appreciated expertise at the town level, which benefited their professional roles by creating friendly relationships to towns and giving them an insider's perspective on town issues and gossip. Cross-cutting ties and overlapping affiliations are also critical in South Carolina, but these were generally limited to service in executive positions on NGO and agency boards—the more influential and larger-scale, the better. As Anne Deane of the in-state advocacy organization in South Carolina laments, “One of the threats is creeping discouragement that our elected officials aren't doing any better and... we have elected officials who want to gut [the comprehensive plan]. And you think to yourself, how many times are we going to have to go through this? And then you go back to, how do we elect the people? And you say we can't get into electoral politics” (Interview with author, November 2003). Because of New Hampshire's unique political structure, Partnership professionals could, and did, involve themselves deeply in town planning politics on a

volunteer or elected basis. This deliberate blurring of professional and private lives contrasts starkly with the division between professionals, elected officials, and volunteers in San Diego, and with the avoidance of electoral politics as a regrettable lost cause in the South Carolina Lowcountry.

Volunteerism on behalf of the Partnership cuts across agency, NGO, age, and gender lines—but was especially prevalent among those who had leadership positions in local land trusts that worked regularly with conservation commissions. Marvin Warren, an ally of the GBRPP who led the effort to fund the NERR, joined his town's board of selectmen on his retirement from a state resource agency. Mae Bodnar, the Principal Partner representative for Ducks Unlimited and a biologist in her thirties, served on her town's conservation commission. Thomas Eason, responsible for Land and Water Conservation Funds with the Cooperative Extension, served as chair of his town's conservation commission, in addition to serving on his town's civic profile steering committee and community vision committee and as chairman of the board of a regional land trust. Russell Miner, the board member of a coastal land trust and active Community Partner, also lived in Eason's town. Miner served on both the planning and select boards there, led the town's successful conservation bond initiative, and subsequently became the executive director of Eason's land trust. Allen Sperling of the NERR, who was volunteer president of an advocacy group for a neighborhood wetland, also served as vice-chair of the Portsmouth conservation commission. In seven years of living in his town, Shawn Hardiman, the director of Countywide Conservancy, a Community Partner, may have had the most impressive record of volunteer leadership, especially considering that he was only in his early thirties. Hardiman had logged four years on the town council and the town budget committee, and also served on the open space commission and the community development corporation. Running for re-election as incumbent chairman of the town council in 2005, Hardiman claimed in his candidate

statement that “the town’s No. 1 priority is water” and openly stressed his experience at Countywide Conservancy as an important credential, claiming that his “experience as a consensus builder will help the next Town Council make the best decisions on these challenging problems” (Standish 2005). (See Figure 4.1 for a graphic representation of these affiliations.)

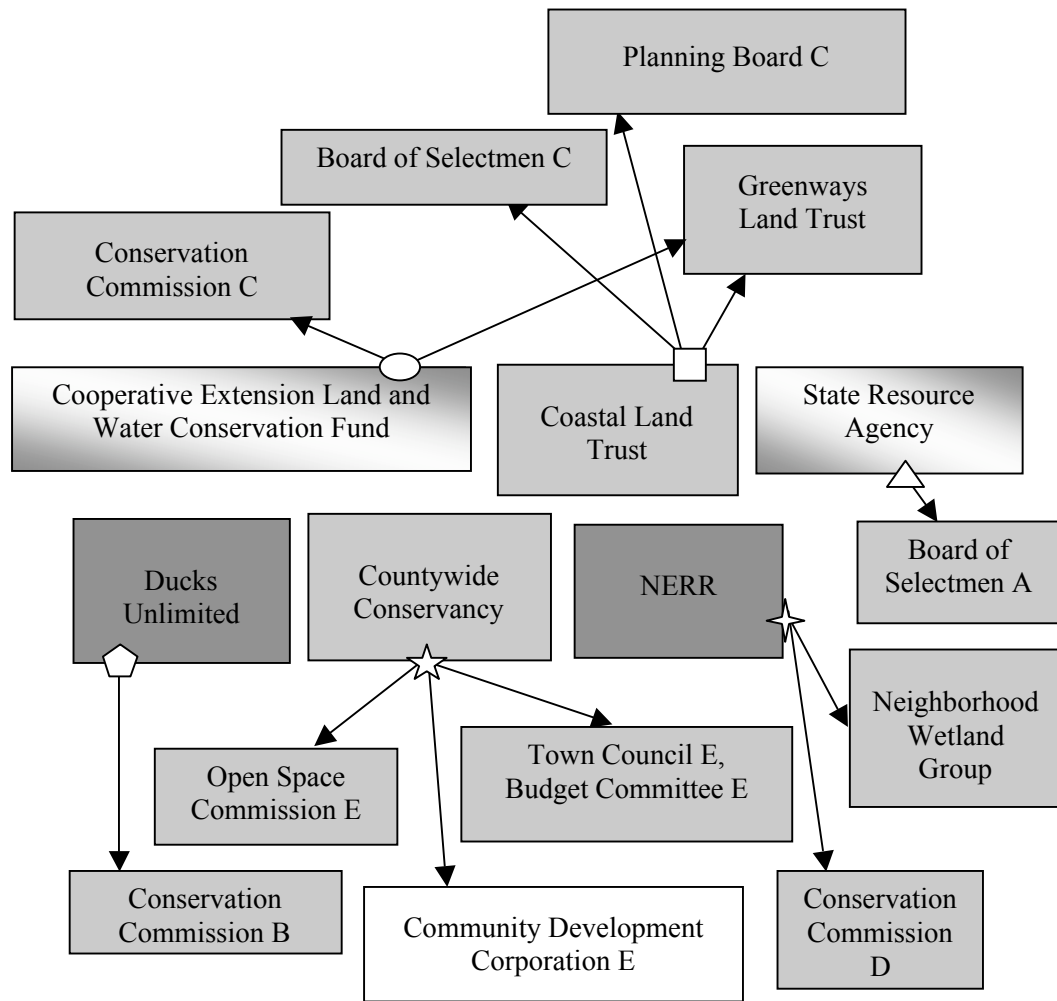


Figure 4.1: Involvement in Local Government and Community Nonprofits of Six Partnership Participants^{A,B}

^AEach node represents one individual associated with the partnership, with the point of origin representing primary affiliation.

^BArrows indicate current or past involvement (elected or volunteer service in town government, board or staff position in community nonprofits).

Mae Bodnar describes her experience working in town planning as depending to a great extent on informal networking: “I think it’s pretty informal, on the town level it’s pretty informal... For the most part everybody’s got a full plate. You’re volunteering on the conservation commission, you’re depending on other folks to come to you [on potential projects] type of thing” (Interview with author, September 2003). Bodnar acknowledges that this relatively passive planning environment can be manipulated by those unwilling to enforce existing conservation laws: “Planning boards are local folks and their motivations for being on the planning board can be completely different and sometimes, even though the town has really good laws and variances and good regulations on the book, they’ll let a lot of things slide” (Interview with author, September 2003). But this open and fluid local planning structure has also been readily accessible to Partners, who have worked on town commissions to encourage conservation and check development interests in the approval and planning stages. Whereas Fung and Wright assert that EPG will allow “ordinary citizens and officials in the field” to “colonize and transform existing state institutions” (2003, 24), they were most likely not envisioning national NGO and federal agency officials in the field colonizing the administration of their own local level governments as “ordinary citizens.” This strategy of GBRPP Partners at the Community and Principal Partner level points towards researchers’ automatic reification of officials and representatives with the scale of the organization they work for; such individuals are, of course, also putatively ordinary citizens, who live in particular local places. EPG theorists assume that these individuals necessarily operate at a remove from the local level in order to do their jobs, but this may not, in fact, be the case. For GBRPP members, operating as “local folk” was a route to professional efficacy.

Whereas in San Diego, those participating in the MSCP were strictly divided between NGO professionals and volunteers, and professional NGO representatives kept at a remove

from local politics, in New Hampshire even a large in-state NGO like Forestlands Forever has maintained a firm hand in local politics in order to coordinate cooperation on land conservation issues. Rodney Dennis of Forestlands Forever sees the Partnership as providing an important example of moderating the tenor of debate about conservation statewide, which yields local results:

We make a difference and we are making a difference in what the state is, how it views itself as being kind of, the cooperative ethic that exists around natural resources and conservation and environmental policy. The absence of a real polar confrontational atmosphere that tends to characterize environmental policy in other states to a greater extent than it does here... All you need to do is look at a map of protected lands, a GIS map of New England and what you'll see in New Hampshire does not exist in the other states. It's lots and lots and lots of little pieces scattered all over the state. And that's stuff that happens almost entirely at the local level. (Interview with author, September 2003)

If engaging individual towns with the Partnership was straightforward and friendly, attempting to get the towns to cooperate with each other was another story.

Rather than forcing towns together, the Partnership has been careful to deal with towns on their own terms while trying to encourage cooperative realization of common resource management challenges. Truitt describes how she was very careful to pair like-minded towns together in the Partnership's planning processes: "I'd try to put the towns together into these little subregions and the fun thing was if they were drawing they'd say, 'Can I draw into your town, it's the same watershed?' 'Oh, go ahead!' And there was a lot of joking about how these habitat areas were crossing town boundaries. And clearly some cultures of towns were more in synch than other cultures of towns. And that's the way it goes" (Interview with author, September 2003). For the Partnership, attempting to coordinate local planning efforts in a larger regional project is not as simple as demonstrating a shared reliance on collective resources, since adjacency could lead to rivalry. Local institutions, class backgrounds, and land use patterns contributed to unique political legacies among towns

which had to be considered when attempting to foster more substantive cooperation. On the micro-level, coordinating simple conservation projects can be stymied by place-based antagonisms, as Hanlon relates happened for a bike path between two adjacent towns in the Great Bay: “I was shocked because ‘Roxbury’ and ‘Camberwell’ are both in the same school district. The Roxbury Council has been arguing this for two years. They don’t want to pay for part of a bike route that goes into Camberwell. Well the bike route benefits Roxbury, so if Roxbury thinks that way... [The towns] are all different, unique, and they all deal in isolation” (Interview with author, September 2003). Larry Aleman of EPA New England is especially dismissive of romanticism about the advantages of local knowledge and networking: “The closer you are to where the action is, the more you’re going to know the problem. But the too close you are, the more potential you’re going to be influenced by petty nonsense, you know. This local town has more pull, therefore they’re getting more, you know” (Interview transcript, September 2003). For Principal Partners, helping the towns required managing intense suspicions among local jurisdictions that some towns might have more favored status with the Partnership.

While NGO and agency representatives have been empowered to get involved at the local level by the decentralized governance structure in New Hampshire, there are some significant challenges and also some advantages to having to deal at the local level with so many different communities. The independence of the towns from each other meant that it was very difficult to get towns to work together when necessary. Rodney Dennis sees this in terms of a Tocquevillean tradition of self-reliance and resistance to external authority:

It’s really interesting to trace the roots of our orneriness when it comes to thinking like a state, or thinking like 234 individual communities and where it all came from and how it developed the way it did. But also it’s a very deeply cultural tradition of home rule. And a deeply-held belief, even despite the last twenty, thirty years and the growth and change that has taken place, that decisions about how land is used are [bangs fist on table] made at the town level, not by the state. Or by any kind of regional entity of any

authority. And that makes thinking regionally and thinking at the landscape level very challenging. (Interview with author, September 2003)

Within New Hampshire, looking beyond local jurisdictions to develop comprehensive plans with the sort of “big-picture planning” that San Diego has employed (Hogan 2003) is a rare occurrence, despite some limited efforts to develop comprehensive plans. Larry Aleman of EPA New England says, “We have regional planning agencies that help a little bit, but they’re on short funds, and they’re usually run based on where the money is coming from... It can be very scattered, and that’s part of the reason I am skeptical of putting too much money into the generic planning and zoning approach” (Interview with author, September 2003). Aleman has little faith in regional planning due to the lack of funding for implementation and the fragmentation of communities, each of which have developed master plans. As discussed earlier, many regional commissions and town master plans have simply borrowed the Great Bay’s HPP in order to set their own priorities because it represents one of the few genuinely comprehensive efforts in the region to coordinate planning, conservation, or development.

Certainly, as an effort to coordinate regional conservation, the GBRPP must deal in many cases individually with twenty-four distinct communities and their respective governments—more local governments than were included in the MSCP. Nevertheless, the decentralization of power in the hands of individual town governments also means that such communities are relatively accessible to informal influence and networking. There are few interstitial levels of political influence and infighting among counties or against regional associations like SANDAG to navigate—an advantage when compared to the complex machinations among entities of different scales in the San Diego case. In addition, working with individual towns does not require consent or coordination with regional authorities. But providing capacity assistance to individual towns requires substantial coordination of outreach efforts among at least five agency programs with overlapping missions. One local

newsweekly report on “Getting to Know the Great Bay” quips, “Mapping the web of projects that form the network of conservation and preservation around the bay is a task for a Ph.D. candidate” (Marzloff 2005).

For this purpose, the agencies involved in the Great Bay Partnership, led by the Department of Fish and Game through the NERR, collaborated on a new project called the Natural Resource Outreach Coalition (NROC). NROC was a new institution developed by all the agencies and programs capable of providing some sort of help to the towns with their planning needs. Whereas towns could not be expected to cooperate in a formal effort to link their plans, Allen Sperling, the outreach coordinator at the NERR, explains that planning commission staff and agency representatives that had no trouble collaborating—“this tremendous network of resources including the planning commissions that all know and work together”—could assist the towns with their individual needs and disseminate lessons learned from other towns’ planning processes, much like the “coordinated decentralization” advocated by Fung and Wright (2003, 21). According to Sperling, town representatives on their own were incapable of meeting collectively less because of internecine rivalries than the simple realities of volunteer capacities and commitments: “It’s just too hard to expect them to take a Saturday off when they’re already volunteering for their town. To take a Saturday to come to an all-day training on stormwater. You have to figure out a way to get into the door when they’re there” (Interview with author, September 2003).

Sperling, who led the formation of NROC based on a 1998 NOAA-mandated needs assessment, describes NROC’s role: “one of the things we’ve done here that’s really effective and is a really great collaborative ... is this group called NROC, Natural Resource Outreach Coalition... So what we provide to the towns is basically a one-stop shopping resource for educational and technical training and training resources” (Interview with author, September 2003). Sperling explains that NROC was necessary because volunteer boards in town

government had such limited capacity that they had trouble taking advantage of the comprehensive planning resources that were available: “we had this great network of all these service providers, training providers, and we all want to get into that door. So it’s driving them nuts to get a dozen or more people knocking on their door wanting a piece of their time so that ‘we can help you’” (Interview with author, September 2003). Like Veronica Tanner in California, Allen Sperling in New Hampshire claims that functioning partnering institutions like NROC are exceedingly rare: “For me it’s a really exciting collaborative, in the sense that it’s the only collaborative I’ve ever been a part of that actually functions. I think that’s a very sad statement” (Interview with author, September 2003).

Despite their numbers, towns in the Great Bay have reaped the benefits of jurisdictional collaboration largely through their individual engagement in the Partnership as Community Partners. Regional planning commissions have become “unofficial” partners because of their enthusiastic embrace of the GBRPP’s own regional planning effort. Principal Partners complained about the limited political will of towns to collaborate on areas of common interest, but they did not attempt to use the Partnership to force relationships where they did not already exist. In order to diminish confusion about the overlapping cooperative efforts of state agencies and regional planning commissions, they created a new formal institution with the planning commissions in order to assist the towns in ways that they thought would not offend towns’ senses of autonomy or tax town officials’ very limited abilities. Most importantly, they took advantage of the extreme devolution of planning in New Hampshire to serve on their own town boards of selectmen, planning, and conservation—an opportunity to advance their professional roles by foregrounding their lay community roles as local citizens. Despite their reluctance to marshal social capital outside the Partnership in adjacent states and with parallel agencies, Principal Partners cooperate together to work with towns, but largely deal with towns “in isolation” from each other and

use their personal social capital at intimate scales. Bringing towns together to work on common projects was left to the Community Partner NGOs, which have made headway working on regional projects to build “greenways” connecting wildlife corridors among fragmented town conservation areas (Hart 2006; Miles 1999).

The Limitations of Capacity and Cooperation: Community Partners as an Organizational Problem for Principal Partner NGOs

The grouping of town entities and smaller NGOs in the common category of Community Partners is telling regarding the relationship of larger NGOs to the smaller NGOs with whom they work. For Principal Partners, the smaller NGOs’ rivalries and capacity problems were often just as frustrating as dealing with towns. If towns had trouble thinking in terms of larger regional or state issues, smaller, locally-focused NGOs had understandable trouble adopting the regional priorities of larger NGOs. Larger NGOs predominantly dealt with external capacity-building efforts for smaller NGOs in the same ways that they had dealt with towns. As described in the previous section, many simply joined smaller land trusts’ boards in order to guide their decision-making directly. Forestlands Forever spun off nearly identical assistance organizations for town conservation commissions and community land trusts. But whereas Principal Partners were stuck with the towns as stakeholding entities entrusted with substantial decision-making powers, they could act to limit the activities and roles of smaller groups far more effectively—in some cases, turning such groups away from land acquisitions, and in other cases, discouraging their formation altogether. As Mae Bodnar described, “NGOs are important to other NGOs” (Interview with author, September 2003) through their common identities as conservation organizations. If one conservation organization was a weak link, other organizations could be jeopardized by their formal association with each other. As such, Community Partners were placed in a clearly

subordinate role to the Principal Partners, and depended on them for building capacity and determining complementary organizational missions. This paternalistic role towards Community Partners had advantages and disadvantages. As compared to the Task Force, smaller organizations in South Carolina were not even allowed a marginal official role, and could not benefit their organization through affiliation with the Task Force. But because small-capacity organizations in South Carolina did not depend on larger organizations, they also had more freedom.

For Community Partners, the success of the Partnership has yielded trickle-down benefits since the Partnership needs an outlet for properties that do not have sufficient habitat value or acreage to engage larger stakeholders. In this case, the Partnership serves as a sort of clearinghouse for conservation lands that are available, and can pass on to smaller groups projects which are not sufficiently compelling for the Partnership to take on. In the words of Rodney Dennis, this has become even more critical as the Partnership has matured: “Community-based land trusts... [are] very, very important partners because over the years we’ve become a lot more discriminating about what we will accept” (Interview with author, September 2003). Shawn Hardiman, a former Forestlands Forever staffer who left to run “Countywide Conservancy,” a regional land trust and regularly-engaged Community Partner, acknowledges that being “as flexible as possible” is an advantage to working with the Principal Partners: “TNC..., they do it if it has natural communities on it. Forestlands Forever likes it if it has good trees. So everybody’s got their own niche, and if we don’t fill in the rest, who is the landowner going to go to?... That’s kind of our role, is to be the easement holder on properties that don’t meet the criteria for the other organizations. And I think that role will grow as we continue to do well” (Interview with author, September 2003).

The Partnership does not simply act as a distributor of projects to the Community Partners. The Partnership also acts as a limiting force for those within the Community Partner

purview, and can use its legitimacy in the community and connections to agencies in order to prevent Community Partners from betraying the goals of the Partnership in order to further their organizational missions of expansion or legitimacy. Mae Bodnar of Ducks Unlimited describes the responsibilities the Partnership feels towards the smaller organizations: “They’re a small land trust and they want to do the right thing but they haven’t quite gotten there yet... We need to make sure we’re steering them to make sure they’re doing the right thing, and that’s what we’re realizing now” (Interview with author, September 2003). This is especially true inasmuch as the Partnership is concerned with channeling less discriminating, smaller groups into conservation projects that do not require compromise with developers. In San Diego, the MSCP was intended to forestall some of the downsides of the mitigation process, wherein developers would trade development of high value habitat for conservation of low-value habitats unlikely to be developed. In New Hampshire, the Partnership encourages conservation groups to refuse voluntary engagement with developers on mitigations, rather than working on legislation on what is or is not permissible. They also discourage such groups from doing conservation projects linked with housing in “green developments” with superficial habitat value since such projects are often compromised by edge effects, encroachment, and legal challenges to easements. The Partnership uses small groups’ dependence on larger groups’ capacity and social capital in order to hold the line against developers willing to provide such groups with ready sources of cash and acreage.

Since lesser-capacity partners for the most part did not participate in the MSCP, San Diego’s larger-capacity organizations saw these groups as allies who could lobby their legislators on local issues in a more authentic way than professionalized advocacy organizations. San Diego’s large NGOs cultivated and even started very small organizations based on residential proximity to canyons or water features because they saw these groups as important partners that could develop public and legislative support for the project. For local

and regional land trusts and other local conservation groups, the regional community foundation and larger conservation organizations started a horizontally-organized resource network to encourage greater cooperation and information-sharing among organizations, in part because there was no single large-capacity conservation organization like Forestlands Forever that could serve this function. In New Hampshire, however, the relationship between lesser capacity environmental organizations and larger environmental NGOs was more complicated, both because Forestlands Forever was a dominant presence in the local organizational landscape, and because the local land trusts actively participated in conservation decision-making, acquisition, and management as Community Partners.

Principal Partners did not need smaller organizations to link them to interested citizens and local volunteers, as well-established networks of citizen volunteers were run by the NERR (a community land stewards group dedicated to monitoring GBRPP acquisitions) and the Cooperative Extension (a Great Bay Coast Watch group of over 100 volunteers dedicated to water quality monitoring). Great Bay Principal Partners recognized that they had to assume a critical role in assisting local organizations, but attempted this with far more trepidation about fostering organizations that might be ineffective, competitive, or damaging to the reputation of the larger conservation community. The concerns of smaller organizations were more likely to be seen as petty and threatening in New Hampshire than in San Diego. Whereas in San Diego, environmental groups had trouble building alliances because of their conflicting missions, in New Hampshire, conservation alliances were easy to assemble but overwhelming for the Principal Partners to manage: “sometimes there’s too many players,” according to Principal Partner Mae Bodnar.

Community Partners were respected as legitimate, but potentially problematic participants in New Hampshire. Kay Truitt describes how, despite the important role of Community Partners in conservation projects, small organizations introduce “messiness”:

Yeah, we've partnered on a number of projects. They are by far the messiest ones to do. It's so much easier when you just go in and buy the thing. Love those! It's like being a little dictator, it's like, "Oh, love this!" To me, you have to have a Community Partner. I'm a firm believer in that, but it is a messy process. It's like democracy is messy, but it works. We've partnered over here, huge mess, but it's a great property and it works. (Interview with author, August 2003)

As Aleman of the EPA described, just as with the towns, a major difficulty of dealing with local organizations is their need for what he describes as "handholding," which is time-consuming and diverting for agencies and larger organizations. The website of "Great Bay Guardians," a volunteer organization, describes how the group backed away from getting directly involved in land conservation: "Since they were established, the Great Bay Guardians have acquired two small parcels of land, but came to recognize that developing a more robust approach to land acquisition requires a complex set of skills and resources that may be best carried out by already established organizations with more experience." In order to manage the needs of these organizations, Forestlands Forever has spun off two smaller organizations, the New Hampshire Association of Conservation Commissions (ACC) and the Center for Land Conservation Assistance (CLCA), specifically devoted to helping local conservation commissions and volunteer land trusts, both headed by women with experience in public and private land conservation and well-connected to experts in the field. ACC and CLCA are both housed in Forestlands Forever's annex of community-oriented organizations in its headquarters in Concord.

Forestlands Forever determined that investing in a separate assistance organization was necessary, according to Rodney Dennis:

Pure and simple that was helping build capacity. You've got conservation commissions, you've got open space committees, you've got well-intentioned citizens, you've got small volunteer-driven land trusts who needed help and who could learn a lot from each other and from the larger, more mature organizations. Who need training, who need to be able to learn from other people's mistakes and don't know who those other people are, who need help writing grants or figuring out how to tap into sources of

funding, who need help in how to organize a bond campaign in their community, so that's why CLCA was created. (Interview with author, September 2003)

Despite their seeming similarities, Forestlands Forever's model of an independent assistance organization is actually quite different from the resource network that was developed collaboratively in San Diego. Within Forestlands Forever's tree-shaded, ecologically-designed headquarters in the state capital, a separate wing houses the offices of a stable of small conservation organizations, each containing an office and one-person staff arrayed on two-levels around an open gallery. This bricks and mortar—or in this case, sustainably-harvested timber—approach to directly overseeing small organizations and leveraging the resources and capacity of professionals by placing them in close proximity to legislators and each other is different from San Diego's less supervisory Conservation Resources Network. CRN relies on high-tech capacity-sharing and electronic rather than person-to-person networking to link geographically far-flung organizations, many of which are well-established and well-managed, but sub-regionally focused.

In New Hampshire, organizations with very little capacity usually have needs that Principal Partners do not think require substantial technical or experiential knowledge. Janice Varney, the executive director of ACC, describes her strategy for figuring out how she can help conservation commissions: "I always ask where the conservation commission keeps their records. If they say, 'They're under Sally's bed,' I know we're in trouble" (Interview with author, August 2003). Hazel Lapp's job as executive director of CLCA is similarly basic in terms of helping with organizational concerns of new land trusts: "Some of them aren't even going to have written criteria for what they're trying to conserve ... What we do with them is they need to have systematic approaches and try to help them provide that kind of thing... My field is much more on an introductory level. If someone comes to me on a more sophisticated problem, I'm more likely to refer them to an advanced-level practitioner" (Interview with

author, September 2003). Lapp points out that her role is to prevent larger land trusts from having to take on smaller land trusts' problems: "It came from the fact that the more experienced land trusts in the state were being inundated with questions from towns that wanted to do conservation projects and everybody said, 'How do we do this? Help us do this,' and CLCA was created to respond to that need" (Interview with author, September 2003). The role that Forestlands Forever has created for Lapp and Varney, then, is as first responders for local conservation crises—helping with basic challenges, bringing small organizations into contact with each other, and providing a route to larger organizations if and when necessary. To engage with the Partnership, smaller organizations do not need the GIS capabilities that were required to be a player in San Diego's high tech regime, but they are perceived as needing help in integrating their activities with those of the larger conservation community.

Despite the basic level of organizational assistance and networking pathways that CLCA and ACC provide, Rodney Dennis notes that this is critical since smaller land trusts are connected to the larger land trust community in practice even if they operate in isolation:

What has been important is that all of these new land trusts and smaller land trusts that are still volunteer, maybe have one person, that they maintain a high standard. And that's important because all it takes is one easement to go sour. Because a small land trust didn't do its homework and didn't understand what it was getting into and it will affect all of us. So what we've done is try to be the, try to make sure that the land trust community in New Hampshire keeps a very high standard. (Interview with author, September 2003)

While lesser capacity organizations might take on projects too small for larger organizations, they also might make mistakes that could affect the tenuous respect that larger land trusts have painstakingly cultivated in New Hampshire residents. For this reason, state-level organizations like Forestlands Forever balance their support for developing local organizations' capacity with supervision and coordination of land trust activities at various scales—and even prevent the formation of groups that they do not feel can build sufficient

capacity. Rodney Dennis freely admits that this is a practical strategy: “In fact, we’ve discouraged groups of citizens from forming new land trusts when it’s been clear that they didn’t have a clue how they were going to raise money, what they were getting themselves into” (Interview with author, September 2003). Forestlands Forever has taken on the role of assisting local organizations within the state that need help building capacity, in part because this role allows for it to manage the growth and development of potentially dangerous groups without access to professionals or awareness of carefully-developed conservation standards.⁵⁵

While Dennis characterizes volunteers interested in starting land trusts as “good people at the local level who know this has to happen and do not have a clue about how to make it happen,” he nevertheless points out that volunteer land trusts are unlikely to create the kind of conservation momentum that staffed organizations can. He recounts his experience with Countywide Conservancy, a longstanding regional land trust originally founded by his father, a local teacher, and its rapid evolution with Hardiman’s arrival: “All the while in the fastest growing, most bustling, most desperately in need of an active land trust part of the state, Rockingham County, it took the guy who runs it now, Shawn Hardiman, to kick them off the can and get their act together. And it is Shawn’s vision and ambition that has turned that little one horse operation completely upside down in the space of a year and a half” (Interview with author, September 2003). Hardiman himself describes the relationship of Countywide Conservancy to the Principal Partners in terms that indicate the extent to which Community Partners, despite the care with which the terminology for their inclusion was selected, know they play a subordinate role and must earn their status as trustworthy players over the course of many projects:

⁵⁵ The group in charge of codifying these standards is the Land Trust Alliance, a national professional organization that sought Forestlands Forever’s help in developing universally-applicable standards for land trust “best practices.” (Interview with author, September 2003)

I think since a lot of them knew me through the other organizations [Forestlands Forever and the advocacy arm for LCIP], and since over the last year, the Countywide Conservancy has gotten more organized, more energetic, and doing more work—in their eyes, more trustworthy—they have started bringing projects to us that none of the big partners want. Which is okay. I see it as good experience because we’re working with people who have a lot more experience on the projects, and higher expectations, and it’s an opportunity for the public to learn about the Countywide Conservancy. (Interview with author, September 2003)

Lapp points out that the level of professionalism associated with older local land trusts like the one Hardiman took over is usually less than those started more recently: “A lot of it depends too on the longevity of the organization. The new ones that are starting up tend to get the idea of becoming organized quicker. The older ones probably have grown up as a result of a specific issue that they need to resolve and then they kind of carry on in various ways that may or may not have put them in a strong enough position for the challenges that they face” (Interview with author, September 2003). Whereas in San Diego, agency officials working within the MSCP actually relied on volunteers for smaller NGOs to act disruptively on issues where they were reluctant to stick their own necks out, in New Hampshire, volunteer organizations tend to be seen as well-meaning but ineffective and dangerously unprofessional—even those that might be presumed to have more capacity because of their longstanding tenure in the community. As we will see in South Carolina, volunteer organizations of the sort appreciated by larger organizations in San Diego have an even more limited role because of their perceived inefficiency and unpredictability than in New Hampshire.

Truitt readily acknowledges the dependence of the Principal Partners on Community Partners: they are “important, they bring money to the table, and they bring buy in, and they help us identify properties and they’re our voice in the community and all that’s critical” (Interview with author, September 2001). But managing competition as the coordinator of the Community Partners is a literally maternal struggle for Truitt, the mother of two boys, for the

same reason that Aleman avoided getting involved in town politics: “The thing for me, I don’t know about the other Partners, for me, it’s the Community Partner piece. I always feel there’s somebody not happy at any given time... It’s like having your kids, you know, I don’t mean to demean it. I’m just saying that sometimes there’s a—the Community Partners is much more territorial” (Interview with author, September 2003). In comparison to the “incredible unity feeling” of the Principal Partners, the Community Partners come up short, which Principal Partners interpret as childish infighting.

Lapp, who gets an earful on the everyday concerns of small land trusts, chalks up such conflict to “turf issues.” While local groups are in some senses handicapped by their limited interest in conservation issues beyond their own boundaries, their capacity-building and expansion efforts frequently bring them into contention with other groups competing for the same circumscribed sources of public and private dollars. Lapp describes two of these cases:

They both are in the Great Bay area. A land trust was working with the town and got them to vote money through a bond at town meeting to purchase this property and they’ve helped with the publicity and all the proposals and then another organization ends up getting an easement on the property. And I feel like it was stolen out from under the land trust. And then in another instance a land trust was asked by people in a certain town to come and talk to them about a project. And it’s a town that has overlapping coverage from more than one land trust. And the land trust that wasn’t asked sent a very nasty letter to the land trust that was asked that said basically, “Don’t you dare ever do anything like that in that town again.” And they were floored. It wasn’t like they had gone out proactively to invade their territory. (Interview with author, September 2003)

Thus, in addition to helping land trusts build capacity, Lapp has become a mediator when capacity-building efforts collide, and has become involved with town conservation commissions since these are constantly interacting with similarly low-capacity land trusts. Getting lesser-capacity conservation organizations to cooperate effectively outside the Great Bay Partnership is an organizational problem for Principal Partners, both because their limited capacity is a potential threat to land conservation work in general, and because their attempts

to gain capacity can lead them to become embroiled in local controversies and to clash with other local groups with similar goals. The solution for Principal Partners, led by Forestlands Forever, has been to develop spin-off organizations entrusted with helping to build and manage capacity-building efforts, discourage inexperienced start-ups, and support professional, entrepreneurial approaches within formerly volunteer organizations.

For the GBRPP in New Hampshire and the MSCP in San Diego, professional logics of NGO cooperation and volunteers' uncoordinated ground-level passions provide opportunities and challenges, but these are not interpreted or dealt with similarly in each site. For the San Diego organizations, promoting startup groups of inexperienced locals provides a greater link to legislators and local publics, and volunteers are assets in deliberative settings where their diversity of opinion cannot be expressed by agency officials. In New Hampshire, smaller organizations tend to be entrusted with more responsibility, but are seen as liabilities in terms of their competition for this responsibility and their potential for eroding public support through visible infighting or negotiations on low-value projects. In both regions, the solution is "capacity-building," but in New Hampshire, this is dominated by a single in-state organization, which attempts to introduce guidelines and standards into the passionate activities of volunteers, and to dampen any unhealthy escalation of local land trust competition. Somewhat ironically, professionalism is highly valued by Principal Partners, but the quest of lesser-capacity conservation organizations for higher status, larger budgets and projects, and greater sophistication and professionalism than their competitors frequently creates the most significant problems in terms of territoriality and competition.

Privatized Participation and Decentralized Coordination: Accountable Autonomy?

In relation to the San Diego and South Carolina cases in the preceding and following chapters, New Hampshire provides an intriguing midpoint between two poles of formality and

informality in participatory engagement, equitable decision-making, and local consensus-building. While the Great Bay Partnership relied on a two-track deliberative/consultative model of participation, it took community input very seriously, and as a result gained the trust of local communities for the conservation priorities in its Habitat Protection Plan. Towns, conservation commissions, and regional planning boards voluntarily adopted the HPP and eagerly attempted to put it into action through grassroots conservation bond issues—a manifestation of direct democracy in support of conservation that took the Partners by surprise.

The Partnership assumed the form of a public-private regime in its closed governance structure dependent on backstage agreements and access to privileged information, but deliberated intensively about the best way to manage authority within the regime. The appointment of an independent planner with experience in the public and private sector as the Partners' deputy, the decision to open membership to community groups as second-tier Community Partners, and the collaborative consensus-building of their decision-making processes indicates the extent to which the Partnership valued professionalism, inclusion, and deliberation—and cared deeply about how they were perceived. The fact that there was such a considerable vacuum of state power and capricious state funding for conservation assisted in their taking on hybrid roles and their perception by outsiders and insiders as effective actors for regional boosterism, unconstrained by petty infighting or organizational missions.

Rather than engaging with the messiness of large-scale democratic processes for “big-picture planning,” as in the San Diego case, the GBRPP copes with fragmentation and decentralization by filling a vacuum of power at the regional level and assembling input individually from fractious towns. Despite the fact that the Great Bay Partnership is limited to state and national-level stakeholders who share access to political elites, the Partnership has taken great pains to include substantive local participation on a consultative basis and to assist

towns and organizations in building capacity for their own complementary efforts. As a regional institution that channels funding to local conservation commissions and coordinates guidance on technical issues when necessary, the Great Bay Partnership (and its conservation training and assistance arm, NROC) appear to represent the ideal of accountable autonomy proposed by Fung and Wright for local decision-making fora that are supported and coordinated by higher-level administration. That many agency officials play dual roles as citizen volunteers in town government may have made them even more understanding of the limits of local capacity and the value of locally-informed decision-making. Nevertheless, this picture of sensitivity to local concerns and community knowledge is not complete. While Fung and Wright are concerned that without central coordination, local participatory governance institutions may not be accountable, the GBRPP limits local conservation groups' and local conservation commissions' autonomy, without much public accountability of its own.

From the outside, the local political context in which the Partnerships' activities were received could not have been more supportive, particularly for a home rule state with strong local traditions of resistance to state government. Where the Partnership had expected difficulties gaining support, they instead were received with open arms for their comprehensive approach to controlling growth and preserving the natural landscape that many residents felt made their home special. The lack of resistance they found in implementing the HPP did not cause them to embrace an expansive program of participation or deliberation. Principal Partners' own consensus on conservation priorities frequently conflicted with local interpretations of conservation value, and Partners' rarely saw these short-term, backyard environmental concerns as relevant to mobilization for their own broader goals. The Partnership developed a strong amount of caution when it came to channeling and managing this support in ways that they felt were appropriate, since the conservation ethics of many new

residents and the competitive instincts of local conservation organizations threatened to challenge their own priorities and jeopardize the progress they had made. Principal Partners attempted to manage the participation and competition of local organizations with very limited capacity without compromising their own missions or diverting too much of their energies in the process. This involved restricting towns' and organizations' engagement with each other and curbing small conservation organizations' expansion efforts in particular. The major state conservation NGO developed assistance organizations to manage the growing pains of community conservation commissions and local conservation organizations, and, as demand from landowners far surpassed their budget, they restricted their pursuit of priority properties even more to landowners whom they knew they could deal with smoothly and efficiently. Given the dominance of state and federal organizations in the Partnership and the authority and independence they wield, the Principal Partners have been able to control smaller organizations, resist compromises, and simply avoid dissent to an extent that is impossible in San Diego and the Lowcountry.

The Great Bay Resource Protection Partnership's closed format of outside organizations and agencies did not prevent the representatives of those organizations from seeking or gaining locals' input, participation, and support. Nevertheless, their exclusion of interested parties, avoidance of public attention and accountability, and distancing from local communities' conservation politics prevented them from embracing the locals in the way that they themselves were received. The Partners negotiated a path that allowed them to bring their larger organizational missions to bear on local contexts only where landowners were receptive or they could match their own priorities to local goals. By walling themselves off from resistant stakeholders and restricting the activities of lesser-capacity organizations, they prevented themselves from having to compromise on their larger missions, but still managed to gain the public support that they could sell to national- and state-level decision-makers as a

rationale for further investment. In the case study in Chapter Five, we will see that an even more informalized “conservation machine” in a much less supportive context for conservation is far less concerned with propriety and patience and far more aggressive in including resistant locals.

CHAPTER FIVE

CHARLESTON'S ACE BASIN TASK FORCE: CONSPIRACY FOR CONSERVATION?

Introduction

This chapter undertakes an in-depth analysis of South Carolina's ACE Basin Task Force as an example of the exclusive, informalized public-private partnership format for land conservation that I call a "conservation machine." Like the Great Bay Resource Protection Partnership in Chapter Four, the ACE Basin Task Force was developed in response to the same federal policy, the North American Waterfowl Management Plan, and has many of the same federal agency and national NGO partners. However, the Task Force in South Carolina departs even more starkly from the EPG model implemented in the San Diego case. Unapologetically exclusive and wholly dependent on backstage elite networking, the Task Force is a highly unlikely place to expect concern for consensus-building with opponents or citizen engagement. In fact, the Task Force takes pride in its relentless pressuring of local landowners and its ability to maneuver around local governments and within more powerful bodies. Nevertheless, its empowerment of landowners within regime meetings and its ability to retain local legitimacy with the real estate brokerage community and chambers of commerce signal a subtler relationship with reluctant locals than its backstage negotiations and authoritarian structure would suggest. While neither the New Hampshire nor South Carolina partnerships are maximally inclusive or transparent, they negotiate consensus-building and manage collaborative social capital in alternate ways. Whereas the Great Bay Partnership built on the efforts of existing state-centered conservation institutions, the South Carolina Task Force packaged new ideological wine in the bottles of the old growth regime.

As compared to the GBRPP, South Carolina's ACE Basin Task Force has received more attention within the national conservation community as a uniquely successful

partnership effort.⁵⁶ Nevertheless, like the GBRPP, it too has been neglected by academic researchers as compared to the MSCP in San Diego. The analysis in this chapter addresses the character and complexities of three aspects of the planning process undertaken in South Carolina in the late 1980s and 1990s: how conservation leaders limited participation in a “conservation machine”-style regime; how the partnership addressed transparency and equity; and how the partnership encouraged an adaptive style of local consensus-building that moved from landscape-scale to statewide concerns about the problem of development. The central question guiding the analysis of each of the three aspects is: How does the exclusive structure of the partnership and its circumvention of the usual state-centered channels compare to the empowered participatory governance model? How durable is the consensus they have managed to achieve? Does a more limited format for participation preclude authentic engagement with difficult issues or appreciation of the intangible benefits of cooperation and deliberation?

Just as in California and New Hampshire, by understanding how decision-makers variously privileged inclusion, transparency, and consensus-building within the process, we can get a much better sense of how particular groups and individuals responded to and viewed the process in the ways that they did. The regime’s informal, individualized approach to persuasion, active use of the press, and tight organizational alliances in a hostile landscape combine elite networking strategies with mobilization tools more common in social movement organizations. While their efforts achieved great success changing public discourse about development, they met less success leveraging the social capital of the partnership to parallel efforts along the coast. As Task Force members realized that expanding the Task Force model

⁵⁶ Because of their success in assembling very large tracts of contiguous acreage, the ACE Basin Task Force members have hosted visiting delegations of those hoping to start similar projects or gain ideas for existing ones, including the national meeting of the NERR system’s reserve managers and outreach coordinators in 2003.

was diluting effective decision-making, they quickly moved to use the Task Force for statewide lobbying and a cooperative effort to map conservation priorities in the entire state.

Whereas Chapter Three on San Diego's MSCP explored a new example of formal, empowered deliberation that tried to include many parties, and Chapter Four on Portsmouth's GBRPP demonstrated a privatized, informal approach based on soliciting local knowledge within existing conservation institutions, the ACE Basin Task Force pursues a strategy that mimics and overlaps with local growth networks. The Task Force is specifically oriented towards excluding and controlling the growth interests that were such powerful players in the San Diego case. In San Diego, developers were induced to conserve because of a planning formula that traded development rights in one place for conservation in another. In South Carolina, as in New Hampshire, the partnership is oriented towards conserving as much land as possible and preventing developers from controlling the pace and extent of conservation. In many senses, the ACE Basin Task Force and the Great Bay Resource Protection Partnership, with their voluntary, deal-based approach to conservation, are policy-produced clones of each other—with slightly different names for their partnership organizations. But the similarity of their conservation activities, their national organizational partners, and the policy structure under which these public-private partnerships compete for funding should not detract from an appreciation of their very different strategies for engaging communities within their respective local contexts.

Like the Great Bay Partnership, the Task Force had to survive in a local environment where home rule, independence from government meddling, and private property rights were articles of faith. Suspicion of government extends even to local government in South Carolina, and the civic participation and volunteerism that were revered in New Hampshire are less likely to be seen as virtues compared to southern shibboleths like military service and family loyalty. In this climate, there was little demand for participation in conservation

planning, and little interest in the nuances of environmental priorities. While the New Hampshire partnership built consensus among the Principal Partners and tread carefully and deliberately in gaining community support and attracting supportive landowners, the South Carolina partnership quickly organized on an authoritarian basis and began acquiring easements from landowners with a more direct approach. Although the major players in the South Carolina Task Force are agency officials or do professionalized advocacy work on a national level, they were nevertheless able to convince politically-conservative landowners to donate their development rights to partnership members voluntarily—a fact even more impressive when one considers the care the New Hampshire partnership took in approaching landowners to whom they were offering cash.

That so much support could be solicited for conservation priorities in a rural region desperate for economic growth, without seeming to threaten regional growth interests, is surprising—and shows the ways in which the Task Force was able to negotiate effective consensus-building with oppositional interests in the community despite their avoidance of formal participation mechanisms and local governments. While theorists of participation might resist the South Carolina conservation machine's methods on principle, the local community has not responded negatively. In fact, there has been a groundswell of support for conservation in other areas, and the Task Force has tried to adapt and respond to this demand by capitalizing on public enthusiasm and using their community credibility to fight local growth interests more overtly. Nevertheless, the Task Force's reliance on local legitimacy and avoidance of local jurisdictions has resulted in increasing difficulty in dealing with outside developers and subregional rivalries.

The Lowcountry regime's method of exclusion and private, informal negotiation differs most dramatically from the inclusive, participatory model of public deliberation in the San Diego MSCP. Nevertheless, the most dramatic and comprehensive conservation of all

three cases has occurred in South Carolina as a result of the Task Force's activities, and has turned property in private hands into a permanent collective resource not simply for the local economy, but for the entire Atlantic flyway. Conservation has been achieved on the East Coast by working within, around, and across locally-unique development politics, growth patterns, and sensitivities. Just as in San Diego, public and private organizers have attempted to create a model of decision-making that favors substantive discussion and effectively-targeted investment over strategic posturing and token genuflections to conservation. In fact, South Carolina ended up with a model of prioritized development areas and negotiated compromise among regional environmental and development interests that looked very similar in theory to the ambitions for sensible, comprehensive development decision-making in the MSCP. But South Carolina's conservation community worked in concert to control the development of this process, insisted that it take place in private where preferences could be changed, and gained broad support on the part of everyday citizens for comprehensive regional planning. Is this the model of public-spirited deliberation and informal, adaptive mobilization that Naurin, Polletta, and Fishman see as ideal for authentic deliberation about political alternatives?

As the analysis to follow will show, the ACE Basin Task Force excludes local governments and has little patience for formal community input, but is highly effective at overcoming obstacles to participation and engaging citizens voluntarily on arcane environmental issues that empowered deliberation theorists usually assume are off-limits to the general public, much less conservative Republicans. These groups were not "forced to the table" for better or for worse, because they were not invited to the table. But should the substantive outcome, clearly surpassing that hoped for by proponents of Habitat Conservation Planning as a model of governance, still be celebrated if it was achieved through a "bad" process? Did this "bad" process produce citizen engagement and learning of any value?

Should the second and third order social capital outcomes change our opinion of the consensus-building within the exclusive group? What does the uniqueness of the solution reached and the difficulty of replicating it suggest for the universalism of institutional designs for empowerment advocated by EDD theorists?

Reinventing the Old Model for Local Politics: Crafting Elite Landowner Support for Conservation of Traditional Land Uses in South Carolina

As in Chapters Three and Four, a brief introduction to the formation of the ACE Basin Task Force allows for a better understanding of how the decision-making regime fits into the existing landscape of local politics. The beginnings of the partnership in South Carolina were far quicker than those in New Hampshire and San Diego, and benefited less from changing fortunes in the region than from the historical importance of the ACE Basin region to waterfowl hunting. As compared to San Diego and New Hampshire, federal and state agency officials were also active in encouraging the formation of the partnership, but private conservation organizations played a much larger role in prompting the conservation of key properties and transferring these to the state and federal government as Wildlife Management Areas (WMAs), a NERR site, and a National Wildlife Refuge complex. The partnership officially got under way in 1988, but some key events preceded and made possible the partnership's formation.

Before 1978, the rural Lowcountry between Charleston to the north and Hilton Head Island to the south in the southeastern corner of South Carolina had no distinct regional identity. This area had a storied past as the hub of rice cultivation in the eighteenth and nineteenth centuries, but by the Civil War, the rice economy had collapsed. After the war, most of the plantation properties had been abandoned by their owners or destroyed by Sherman. The large properties were unsuccessfully redistributed under the Freedmen's

Bureau and eventually reclaimed (although not reinhabited) by rice planters. Most planters sold their now “worthless” estates to timber or phosphate companies and rich northeasterners attracted to the rice fields for their potential as bargain hunting preserves with a steady supply of cheap black labor (Linder 1995, xxii). Having been passed down for generations within a few wealthy planter families, rice plantations in South Carolina were turned over to national corporations and industrialists from the Northeast who would retain the land as inexpensive investments requiring little maintenance for the next hundred years. Untended by landowners interested in hunting and timber harvesting, the farm fields reverted to woodlands, concealing much of the history of two hundred years of colonial settlement (Beasley et al. 2006, 23).

While the 1970s brought the threat of industrial development in the Great Bay, they were a time of booming interest in the potential of new resort and recreation industries for the economically-depressed southern Lowcountry. Developers began to buy sea islands on the coast near Beaufort and Charleston and turned these shifting ribbons of sand into luxurious and exclusive golf resorts. By 1978, state and federal officials were beginning to appreciate the significance of the large swath of undeveloped, unfragmented wetland habitat on the coast, and anticipated its future development. USFWS biologist Nora Murdock realized the importance of the three undammed blackwater rivers running through the region and coined the term “ACE Basin” for the Ashepoo, Combahee, and South Edisto Rivers watershed, designating the area a “significant wildlife resource area of South Carolina” (Laurie 1998, 2).

Like the Great Bay, the fortunes of the ACE Basin improved with its designation as a focus area in the North American Waterfowl Management Plan in 1986. The protection of the ACE Basin was a “flagship project” of the Atlantic Coast Joint Venture (Laurie 1998). From 1986 through 1988, printing industry magnate and two-term Ducks Unlimited President

Gaylord Donnelley⁵⁷ donated island properties to the South Carolina Department of Natural Resources for Bear Island Wildlife Management Area and to the Nature Conservancy, which donated the islands for the future establishment of the ACE Basin National Estuarine Research Reserve. In 1987, Ducks Unlimited's MARSH (Matching Aid to Restore State Habitat) Program negotiated with property owners to purchase a large parcel adjacent to Bear Island, which it donated to the DNR, with the governor of South Carolina attending the dedication and praising the cooperation of state and private groups (Laurie 1998). In 1988, the ACE Basin Task Force, a group of private landowners, the SCDNR, the USFWS, Ducks Unlimited and the Nature Conservancy was "organized to plan and coordinate protection efforts within the Basin" (Laurie 1998). Media baron Ted Turner placed the first easement in the area on his ACE Basin plantation property, and seventy citizen groups endorsed the ACE Basin Task Force within the year (Laurie 1998). In 1991, Westvaco Corporation, an international paper corporation and major ACE Basin landowner, placed 17,000 acres under protection through a memorandum of understanding (MOU), and formally endorsed the ACE Basin project.

The Nature Conservancy and Ducks Unlimited continued to assist the SCDNR and USFWS in acquiring lands for Wildlife Management Areas, the NERR, and the National Wildlife Refuge. In 1992, the ACE Basin NERR and the ACE Basin NWR received formal designation—the same year that ACE Basin protected acreage topped 50,000 (Laurie 1998). U.S. Senators Fritz Hollings and Strom Thurmond, as well as John Sawhill, the President and CEO of the Nature Conservancy, attended celebratory events for various acquisition projects. By 1998, ten years after the Task Force began, protected acreage in the ACE had reached 128,000 acres, nearly forty percent of which was publicly-owned and managed. Twenty-eight large plantation tracts under easement accounted for sixty percent of the land conserved in

⁵⁷ As with politicians and public figures, I have used the Donnelley's real names due to their historical importance and public service with Ducks Unlimited and as founders of the Dorothy and Gaylord Donnelley Foundation.

private hands (Laurie 1998). The Task Force had been extraordinarily successful at convincing large landowners and corporations to donate development rights voluntarily. Easement donation on this scale had been impossible in New Hampshire because of the relative poverty of rural landowners there, despite their interest in preserving land. Conservation through easements (purchased or donated) rather than outright sale was unusual in San Diego because most landowners were speculators, ungraded land held little value for alternative recreational or agricultural uses, and as a result development rights accounted for a much larger percentage of the value of property (Press 1999, 163).

The mission of the ACE Basin Task Force since its formation had been clear and unambiguous in respect to its goal of reducing development: “While encouraging traditional land uses such as agriculture, timber production, hunting and fishing, the ACE Basin project seeks to maintain the area’s ambiance while restricting the industrial and resort development characteristic of much of the state’s coastal zone in the past thirty years” (Laurie 1998). Compared to the GBRPP, which had worked on acquisition priorities based on a plan that considered the important habitat areas of fifty species and the concerns of communities for water and land resources, the SCDNR and NOAA Coastal Services Center officially began an ecological characterization of the ACE Basin “to synthesize existing information of the condition of natural resources and the sustainable human use of these resources” in 1997. While this was about the time that the GBRPP had finished developing the HPP—and perhaps reflects the increased sophistication and use of GIS technologies during this time period—this was nearly nine years after the Task Force had already begun its acquisition work. Given the relatively enormous unfragmented parcels in the ACE, and the extent to which land purchases were only a small element of Task Force work, the group could afford not to narrow down its priorities within the 350,000-acre focus area. By 1998, more than one-third of the 350,000 acres had been conserved as wildlife habitat. On the day of the anniversary celebration, the

local newspaper reported: “The success of South Carolina’s ACE Basin project has been nothing short of remarkable by any measure... As a conservation initiative, the ACE project has inspired similar campaigns elsewhere in the state and the nation” (Laurie 1999).

As in San Diego and New Hampshire, federal officials created the impetus for a new approach to conservation in the ACE Basin, an area they had taken the liberty of naming. As in New Hampshire, national conservation NGOs played a critical role by investing in the development of federal and state refuge and management areas for the public, and ultimately by joining the Task Force that had been made possible through their aggressive land acquisition work. In contrast to New Hampshire and San Diego, mapping conservation priorities according to scientific data and community input was only officially begun nine years after the Task Force began its work, when 128,000 acres had already been acquired. Initially, the Task Force had no local NGO members, but it did include a group that was included on an adversarial level in San Diego and was the focus of interest but not of membership in New Hampshire: landowners. The inclusion of landowners and exclusion of community NGOs by the same powerful national advocacy organizations and agencies who made such a careful attempt to involve local communities in New Hampshire reveals the relatively flexible philosophies towards local participation of elite NGOs and federal agencies.

Engineering the Conservation Machine: Building Local Legitimacy

In comparison to the long warm-up prior to contacting landowners that characterized the GBRPP’s formation in New Hampshire, the formation of the ACE Basin Task Force came about quickly after a few prominent landowners like the Donnelleys had already donated land or conservation easements to the NGOs involved. This sense that conservation had been a grassroots effort on the part of citizen landowners established a different dynamic between landowners and NGOs from the beginning, according to Will Reidel, the first chairman of the

Task Force and a Charleston real estate broker: “In the ACE Basin, there wasn’t a calculated: ‘Let’s start the ACE Basin, we’ve got an idea.’ It’s kind of an evolutionary thing and there were a couple of key people in that process. I’d say my family, the Donnelley family, Roy Bunker, he was with DU and Craig Leigh with the Wildlife Department, and I would say those were the most important players in that evolutionary process” (Interview with author, August 2001). Reidel’s father, a third-generation banker, community philanthropist, and avid hunter, had donated the third easement in the area, on a plantation that served as a winter hunting retreat, to Ducks Unlimited. Support from respected elders in the community helped the project get off the ground, according to Vincent Stegall, the leader of a conservation advocacy organization: “He was so prominent and so well respected... When the project first started, it was an unknown commodity. There was a lot of suspicion about it. But when Bobby Reidel stepped in and said, ‘I’m going to do it, and I’m going to do it on one of the most valuable pieces of property in the project,’ that set an important example” (*Post and Courier* 2005). Charles Hallmark, director of the Lowcountry Initiative for Ducks Unlimited, describes grassroots enthusiasm as the reason the project has been so successful from the start: “Because of the connection of landowners to the natural use of the property and traditional uses of the property, it was a landscape that was very welcoming. You didn’t have to convince people that this was the right thing to do, it was really the other way around. This was landowner-driven—you know, TNC and DU didn’t dream this up. The landowners down there got everybody together” (Interview with author, November 2003). Whereas in New Hampshire, the GBRPP did anticipate landowners being a help in convincing their more reluctant neighbors about the virtues of conservation, in the ACE Basin, landowners had proven their commitment to conservation and their ability to lead within the community prior to the Task Force’s official formation.

As with the case of Kay Truitt's fortuitous presence in the scoping meeting for the GBRPP, Will Reidel, Bobby's son, took part in the first organizational meeting and described how the informal group moved to official formation—as in the Great Bay, largely a result of federal requirements:

Just one thing led to the other and when it really got gelled, there were a few things kind of happening. Mr. Donnelley was making a land gift and Ducks Unlimited was making a land purchase, but it wasn't all coordinated, and then this Estuarine Research Reserve opportunity kind of evolved and it required a kind of a structure, so we decided to have a meeting. We had the Nature Conservancy, myself, Ducks Unlimited, Department of Natural Resources, and USFWS, and we had it in the Nature Conservancy office in Columbia, and we said, "If we're going to do this, we need a plan." And that's where that little sheet came out about, we're going to have to do easements and all this kind of stuff. And I wrote it and had the other members edit it and they elected me Chairman at that thing. And that was our first Task Force meeting and that was how it started. (Interview with author, August 2001)

Reidel's description of the speed with which the Task Force decided on a decision-making format and on whom should belong is starkly different from the longer, more thorough practice of deciding who might be included in New Hampshire.

Instead of hiring an independent private planner with "nine bosses" to forestall organizational competition, private landowners were perceived as critical leaders in the Task Force from the very beginning, as Philip Rhodes, the current Chairman and a Charleston businessman whose family owns ACE Basin property, describes:

What we've done is set up a system where the leadership of the Task Force is always to be drawn from private landowners. These other organizations are not going to be in positions to be chairmen of the Task Force and the reason for that is because they compete with each other. And the private landowners are in a unique position to say, "Time out guys, this is about the ACE. This isn't about how many acres you got this year, okay?" (Interview with author, October 2003)

Instead of selecting an independent planner who had experience working with local communities, the Task Force selected a local landowner as Chairman. Both groups saw the advantage of having someone independent of the organizations and agencies coordinating

their activities, but the Task Force's choice to put a landowner in charge as Chairman of the Task Force was not merely symbolic.

Earning a Spot at the Table: Demonstrated Ability to Contribute over Procedural Legitimacy

While the San Diego MSCP solicited input from over two hundred sources on the habitat conservation plan, the twenty-nine-member Working Group and the eight member ACE Basin Task Force were similar in that they both recognized the value of a formal decision-making body with stable membership. As the size of the two bodies indicates, participants had differing opinions on the value of including large numbers of stakeholders as formal players. For the Task Force, a small group that excluded potential critics and groups with limited capacity was critical to producing consensus quickly and efficiently. For the MSCP Working Group, including as many stakeholders of opposing interests as possible was critical for procedural legitimacy. Participants actively linked the quantity of formal participants to the quality of participatory input they would be afforded within the process.

Landowners were always seen as potential members of the Task Force, but the conditions for belonging involved donating an easement on their property. Rhodes describes how critical it is to link belonging to the Task Force with making a concrete contribution to conservation in the area:

You don't let them on your team unless they're doing something real. It's not like they've just gotta kinda think it would be neat to be involved, it doesn't work that way. And like a landowner, you don't let a landowner on if they haven't given an easement. I mean, if they own land down there and they haven't given an easement, then they're on the outside, not the inside, you know. It's important, I mean, it's really important. (Interview with author, October 2003)

By setting up criteria for belonging based on concrete contribution rather than organizational affiliation, the Task Force demonstrated its concern for results and neighbor-to-neighbor persuasion, rather than for broader-based community support. Will Reidel describes how he

responds to landowners who want to become involved: “And we’ve had landowners say, ‘I’d like to be on it,’ I said, ‘Put an easement on your property.’ Until you’ve put an easement on your property, because no one can tell somebody what to do if they hadn’t done it themselves. Lead by example” (Interview with author, August 2001).

The GBRPP in New Hampshire solicited targeted landowners by offering them assistance realizing estate tax benefits, in addition to the market value they could offer for the land. The Task Force, on the other hand, provided the inducement of membership and future involvement in the Task Force should landowners choose to donate an easement, which made the act of conserving one’s property consonant with an investment in the future of the Task Force. Landowners work for the partnership because it is in their best interest, according to Charles Hallmark of DU: “Like all good things, it kind of came from the ground up. To a large extent it continues that way because there’s a huge investment. The landowners down there who have protected their properties have a huge investment. They work hard at protecting their investment in protection. And so they work hard. They do a lot of the work for us” (Interview with author, November 2003), The more of their neighbors’ property was kept from fragmentation and intrusive development, the greater the habitat value of participating landowners’ own properties.

In part, the opportunities granted landowners for full involvement and potential leadership position in the Task Force can be explained by the landowners’ elite status. Whereas the landowners in the Great Bay who owned valuable properties were generally elderly farmers, the landowners in the ACE Basin were wealthy absentee owners more likely to work in the City of Charleston to the north or in larger cities like Chicago, Atlanta, Los Angeles, and New York. The fact that they were wealthy and were generally making a donation for a tax write-off rather than being solicited for purchase contributed to the possibility of their larger role in the Task Force, since they were not sitting on the other side of

the table negotiating the best price for their properties. But the landowners' overall commitment, and their understanding of ACE Basin conservation work as self-interested philanthropy, rather than adversarial petitioning in San Diego or real estate negotiation in New Hampshire, contributed to their sense of mission. Professional members themselves perceived volunteer landowners as more effective participants than paid bureaucrats. Travis Wise of "Downstate Conservancy," a large regional land trust, insisted,

It only works if you get the involved, excited, early-adopter landowners running the show. And not just there sitting in the meetings as window-dressing because you want to say they're there. They've got to be running the show. And when you go to one of these meetings and if you get over fifty percent in the room of people who are paid to be there, and the only difference is they get a free lunch that day and don't have to buy their own lunch?—and I count that as all of the bureaucrats, all of the agency people... We don't get anything done. (Interview with author, November 2003)

In San Diego, activist volunteers faced major obstacles to being seen as legitimate players, and landowners resented having to attend meetings dominated by paid professionals. Elite landowners in South Carolina, however, were recognized by professional participants for their sacrifices as hard-working volunteers and dedicated philanthropists—and these contributions gave them formal leadership roles in the partnership.

In terms of negotiating the exclusion of other community members, Reidel claims that the contribution-based model of engagement is not based on group dynamics, confidentiality, or authenticity as locals, but on capacity to be effective. Any group that can demonstrate a concrete—not theoretical—contribution will be invited to join: "I've sort of had the policy that you earn a spot on the Task Force. Nobody can come to the table who cannot contribute. We've had an enormous number of people beg to be involved in it but I just don't see where you're going to add anything" (Interview with author, August 2001). In order to accommodate the demand for involvement, the Task Force has not created a separate, second-tier group of Community Partners, as in New Hampshire. Instead, the Task Force welcomes

otherwise-excluded stakeholders to sit in on their meetings as a “guest.” Philip Rhodes notes that this policy works because these potential partners are not as interested as they claim:

“We’ve been really careful not to allow people to enter the Task Force who don’t share our vision because it would be fatal... And what we do a lot of times to defuse some of that is we’ll invite people as guests and let them come. And they’ll get bored with it and go on their way” (Interview with author, October 2003). Philip Rhodes describes this open-door guest policy as an effective tool for limiting formal membership, especially from those demanding inclusion because they are seeking the reflected light of the Task Force for their own ends.

Groups can be excluded while formally “inviting” them to join:

A lot of people want to be associated with us; a lot of people are always trying to jump on the train. The only way you can get to be on the ACE Basin Task Force is be a player. You’ve got to have done—you have to have affirmatively demonstrated your value by having done something. Not thinking about doing something. So that’s a really good way to tell people that are coming up: “We’d love to have you join as soon as you get out there and make some good things happen, we’d be glad to consider, we’d be happy to have you come to our meetings every so often as a guest, and whatever, but to actually be listed, you’ve got to be materially assisting.” (Interview with author, October 2003)

The Task Force’s caution in adding new members prevented it from having to lose members in the future, according to Reidel: “we started with a small group and we added, rather than start with a large group and pare down” (Interview with author, August 2001). Having people knocking at the door is preferable to having dissatisfied or disenchanted former members for the tight-knit community of conservation decision-makers in South Carolina.

In San Diego, the MSCP ran lesser-capacity members ragged and eventually was winnowed down to a better-functioning elite group of major players; in South Carolina, the Task Force avoided the temptation to include lesser-capacity members in order not to have to “pare down” and suffer the hostility that disinvitation or disillusionment of former members might provoke. Philip Rhodes describes how excluding people might involve hurting feelings

but this is better than the alternative: “You can’t have too big of an inner circle. You can’t have players that aren’t playing. You’re better off to keep it small, and bring them in as they start to get it and start to participate than it is to go line them up all at once and you know, all those relationships aren’t there. You know, I think that would be a big mistake to bring too many people in at the front end... We don’t worry about feelings” (Interview with author, October 2003). This quote reveals that the building of relationships that participation theorists think are important are also viewed as important by Task Force leaders; the major difference between their perspectives is that Task Force members think these should be cultivated outside of the Task Force, with inclusion only occurring after trust has been gained, and participation theorists think these relationships should be built from within through the process of decision-making. Task Force members have been vocal in opposing what they see as forced relationships for the sake of inclusion. Travis Wise of Downstate Conservancy, like many others, lampoons the bureaucratic mindset that public participation is worthwhile in itself or produces more public-spirited outcomes: “‘We’re here to help the people so all the people can come.’ And you accomplish less and less. You know the definition of the zebra? A racehorse designed by a committee” (Interview with author, November 2003).

The Task Force’s provisional openness to guests and organizations that prove themselves is not simply a polite way of excluding all comers. As the Task Force has developed, one private foundation and one regional environmental organization have been added to the official membership. The regional environmental organization is a large in-state land trust whose target region encompasses the entire Lowcountry. The Downstate Conservancy demonstrates the fulfillment of Will Reidel’s open invitation to community organizations to prove themselves as players: “the Downstate Conservancy hadn’t really become anything when we started the thing and they have really come and matured into an effective land trust, so they came on the scene” (Interview with author, August 2001).

Nevertheless, smaller local organizations, like a land trust within the Focus Area, have not been included despite their obvious stake in the region. Whereas the Great Bay Partnership spent a great deal of time trying to enhance the capacity of smaller organizations and to get them to sign on to the resource priorities of the Partnership as formally-recognized Community Partners, the ACE Basin Task Force leaders have far more power over developers' pursuit of projects and recognize that small unaffiliated groups will pursue properties of lesser acreage and lesser habitat value. For Task Force members, non-participating small-capacity groups are neither a threat that needs to be controlled (as in the Great Bay) nor an important asset to the group (as in San Diego).

The involvement of Westvaco Corporation, now MeadWestvaco, is unusual as compared to the Great Bay Partnership, which did not include corporate entities. As a major landowner in the area, it might be assumed that the corporation would be included due to its status as a landowner, but Will Reidel wanted to insure that the company was invested in the larger goals of the regime rather than simply seeking positive publicity: "Westvaco was involved in the Task Force early on, but I wanted to make sure that they were going to contribute and play a meaningful role, which they have, and they've done a very good job, which is good" (Interview with author, August 2001). When I pointed out to Philip Rhodes that international timber companies were beginning a major land sell-off which may have contributed to their involvement, he points out that Westvaco was far more involved than the other paper company in the area, for reasons that are unclear to him:

MeadWestvaco's participation... they have really been great corporate citizens in the ACE. And Georgia Pacific owns a lot of land in the ACE and I mean they won't even talk to you... But what was it that made [MeadWestvaco] as a corporate citizen choose to participate? And I don't know whether it comes all the way from the [family] that owns it, or used to—you know that owned Westvaco and now are large shareholders in MeadWestvaco—but they were tremendous landholders and they participated. Georgia Pacific, there wasn't anyone to talk to. (Interview with author, October 2003)

As in San Diego, the Task Force has involved a major corporate landowner and potential developer like Mead Westvaco on the Task Force, not just conservation interests as in New Hampshire, but this is only after they have proven their commitment to the unwavering conservation principles of the Task Force.

The Task Force is very clear about retaining the ability to push out those who do not share their vision. Commitment to conservation for traditional uses is an openly-stated condition of membership, as is not abusing the privileged information that membership in the Task Force affords. If participants do not respect the confidentiality of the proceedings or the fellow-feeling among group members, Philip relates that there are harsh consequences: “What makes it work is it’s really a genuine respect amongst all of the participants that they come to those meetings for each other. Period. And if someone isn’t on the program, they get gone. Period. I mean if a staff member isn’t doing right, they’re going to get assigned again... they’re going to get shuffled out one way or another” (Interview with author, October 2003). Rhodes points out that including oppositional groups, like the state private property rights interest group, would destroy the regime’s momentum:

We’ve been really careful not to allow people to enter the Task Force who don’t share our vision because it would be fatal.

CL: What do you mean by not sharing your vision?

Well, I mean if they’re like rabid property rights people who don’t believe in federal ownership of land and they’re going to fear that we want the Park Service to enlarge the boundaries of the WMAs, that just wouldn’t work because they have to be on the program. (Interview with author, October 2003)

As compared to the slow building of consensus in the MSCP, where groups discover common interests through discussion over time, Rhodes sees membership in the Task Force as dependent on already being on the same page: “You’ve got to have a clear understanding of what you’re trying to accomplish and why, and everybody’s got to get it to participate in the

inner circle” (Interview with author, October 2003). Whereas alone these quotes might produce a highly restrictive picture of the boundaries of appropriate participation in the South Carolina case, the New Hampshire partnership does not allow local organizations or landowners into the Principal Partners’ meetings at all. As compared to San Diego, the boundaries for appropriate behavior and interests are determined far more narrowly and punitively—no doubt possible because the balance of the partnership is far more heavily weighted to its private rather than its public side. As in New Hampshire, Task Force leaders describe something similar to the “incredible unity feeling” that Truitt described.

Formal inclusion in the ACE Basin Task Force is not extended to all high-capacity organizations capable of making substantial contributions to conservation in the area. The major regional⁵⁸ conservation advocacy organization based out of Charleston, the “Sea Island Defenders” (SID), takes a large role in promoting conservation funding and conservation-friendly regulation, but opts out of participating in the Task Force, despite close friendship and constant interaction between Reidel and Vincent Stegall, SID’s long-time leader, who founded his organization just as the Task Force was officially being formed. Like Forestlands Forever, Sea Island Defenders is an established in-state advocacy organization with impressive capacity and power. Unlike Forestlands Forever, however, SID specializes in conservation advocacy, is far more engaged in environmental activism, and leaves all land acquisition and conservation activities to the Downstate Conservancy. SID is not an official Task Force member, but it is the unofficial advocacy arm of the Task Force and a critical ally in taking the Task Force’s regional accomplishments coast-wide.

Formally including SID, with its more aggressive activism and publicity-seeking, would jeopardize the uncontroversial low profile of Task Force decision-making. Anne

⁵⁸ I designate this a “regional” organization because it limits its efforts to the larger coastal region, although it is active in lobbying at the state level. A similar, more recently-developed organization plays a complementary role in the Upstate region.

Deane, the land use director at the Defenders, describes how she has attended meetings to observe the Task Force at work but does not get involved in confidential negotiations:

They sort of team up like doctors looking at a case: “Can we get an easement? Can we buy an easement? Can we buy it outright?” and so essentially they go over the watershed and they talk about the landscape. But we do not attend the focus meetings and I’ve attended as a guest at a few, but they can’t really get into the nitty gritty of who owns what and who’s willing to sell. (Interview with author, October 2003)

Because SID has no expertise in land deals, it eschews formal inclusion—exactly the opposite decision of the MSCP, where larger groups involved in conservation acquisition absented themselves from deliberations on conservation priorities, and conservation interests were represented by professional conservation advocacy groups HAN on the moderate side and volunteer groups on the activist side. Whereas Forestlands Forever, the most closely parallel large-capacity in-state organization in New Hampshire, was involved with land trust work and advocacy, on the South Carolina coast, advocacy and land trust work are divided between two closely-linked but separate organizations, each with eighteen to twenty-five years’ experience in the area. During the time of my initial interviews in 2001, SID and the Downstate Conservancy even shared office space, and are now in separate quarters but within a few hundred yards of each other.

Despite their disengagement from the actual work of the Task Force, the Defenders claim identical values as the national organizations in the Task Force. Deane asserts, “The work we’re doing on ten different issues works seamlessly with work being done by DU and TNC” (Interview with author, October 2003). Deane chalks this up to the closeness of Reidel and Stegall: “And if conservation is working in South Carolina, and it is, and it especially works in the ACE Basin, I think the hallmark of this has been the cooperative attitude that Vincent set, but also Will... Will was on our board at the beginning, ten or eleven years, but Will just sort of remains a partner with us in every sense. We work on a lot of issues together”

(Interview with author, October 2003). This closeness was reinforced during our interview, when Vincent Stegall walked in to SID headquarters accompanied by Will Reidel, both reporting on a meeting they had attended together. As the close relationship between the major regional conservation advocacy organization and the Task Force demonstrates, the coordination of Task Force members' vision does not simply extend to those within the partnership. Charles Hallmark of DU sees his organization as not just protecting the interests of waterfowl in the ACE Basin but also supporting the advocacy work of SID:

One of our roles is to respond to the needs of intensively-managed sporting properties and the other is, because of our truly vast membership,... we've got 17,000 [members] in South Carolina. Even though we don't do advocacy, we provide a level of political strength that works behind the Vincent Stegalls and those kinds of things. If we ever do get involved in advocacy, it's typically just to inform our members, and once informed, they will react. (Interview with author, November 2003)

Hallmark's sense of DU's role in the local landscape is far more cooperative and regime-oriented as compared to the specialized technical and restoration support work that Mae Bodnar felt DU contributed to the GBRPP.

Conservation leaders brag about the seamless cooperation they are able to achieve, which is not simply dependent on overlapping organizational commitments, but on personal friendships and physical proximity to each other. The Task Force can leverage the involvement of local groups like Downstate Conservancy and their separateness from more aggressive advocacy organizations like SID even though they are, in practice, intimately linked. Philip Rhodes points out that involving local members through a variety of groups is key for their perceived independence, even though groups and their missions are nearly indistinguishable within the professional community:

If you were trying to protect something somewhere and all you had was the local groups, I think you'd be missing something. If you didn't have the local group, you'd be—I mean, we function fine with local landowners, but local conservation groups offer an enormous amount. I mean some people

just want to deal with the local people... It's just, you've got to have *lots* of tools. *Lots of tools*. (Interview with author, October 2003, emphasis his)

In New Hampshire, Partnership coordinator Kay Truitt saw local groups as essential “Community Partners” but had a fraught relationship negotiating among organizations she found childlike in their territoriality as compared to state and national conservation organizations. The South Carolina Task Force chairman also finds local organizations essential to conservation work, but tends to see the interests of those local organizations who are included as Task Force members or informal allies as seamlessly aligned with the national organizations’ interests. Despite their exclusion of community organizations they perceive as peripherally relevant to the tasks at hand, the partnership leaders in South Carolina seem less conflicted about the important role of the local partners they do include, and view them as equally-capable negotiating partners.

Because membership on the Task Force is based on ability to contribute rather than organizational affiliation or professional capacity, belonging to the Task Force is frequently seen in terms of carrying on a family legacy or fulfilling a lifelong commitment. Thus, a few attendees at Task Force meetings still come despite the fact that they are retired or have cycled through multiple different jobs since coming to the Task Force—and are welcomed, because they still have valuable knowledge or connections to contribute. Will Reidel claims that this sort of commitment is what makes the Task Force meetings so remarkable: “We’ve had these Task Force meetings and we’ve had people like David Freitas, who’s been on it since we started, and Roy, who’s retired, and he still comes to the damn meetings, Roy still works, he’s retired from Ducks Unlimited!” (Interview with author, August 2001). Likewise, landowner members of the partnerships, like Chairman Philip Rhodes, do not see themselves as representing their own investment in land conservation on their property, but their ancestors’ and children’s legacy—a commitment to the land and to the Task Force that will be passed on

to younger generations. When asked to describe his membership in the Task Force, Rhodes says:

My membership on the ACE Basin Task Force is representing the private landowner because I am—well, my family is—a private landowner in the ACE Basin, multi-generational ownership of it. My son Philip would be the sixth generation that has had the use of and enjoyed that property in the ACE Basin. Three of those generations are already gone. So certainly commitment from my family, the heritage that is part of me, you know? (Interview with author, October 2003)

Rhodes' mother was herself still actively involved in conservation as a private landowner and former board chair of Downstate Conservancy, eventually moving from private and nonprofit efforts into public-sector conservation as chair of the county land conservation bank.

While members of the MSCP Working Group who were not part of the core of ten long-term players envisioned their commitment as extending for the life of the MSCP planning process, and GBRPP Principal Partners saw their organization's commitment as ongoing, ACE Basin Task Force members envisioned their personal attendance as part of a lifelong commitment to conservation in the area. While this relates both to deeper personal ties in the ACE Basin Task Force and the ACE Basin as a region, it also has to do with the extent to which members of all three processes envisioned their participation as part of the “endgame” of conservation and development in the region or as the latest iteration of land conservation commitments in the area. Whereas New Hampshire Principal Partners eventually anticipated their commitment to Partnership acquisition activities ending around 2025, when all of the land in the Seacoast region will either have been built out or conserved, the ACE Basin Task Force members anticipated their children partaking in the furtherance of future conservation, restoration, and management activities in the region. Long-term success was not measured, like short term success, in bucks and acres, but in increasing endangered wood stork, endangered whooping crane, and threatened waterfowl populations.

As in New Hampshire, the organizations and agencies that make up the Task Force may act as a unified bloc, but their different missions and differing public and private orientations are an advantage when trying to attract reluctant landowners or to defend the ACE Basin against property rights activists. Will Reidel asserts that the Task Force prides itself on maintaining a balance among diverse uses that are seen as compatible.

We've been able to say, "Look, if all we were doing in the ACE Basin is protecting land where the public wasn't going to have access, we'd be criticized for that," so the whole strategy is to be balanced. Most of it will be protected, and owned by private landowners, and it will remain on the tax rolls, it will remain productive land where people work, where they sell timber, hunt, fish, do all of those activities they've always done on this land. Land can be bought and sold, it just can't be commercialized, but there will be components of it that will be public and those public components will provide people with access to the ACE Basin that they historically didn't have. And those public components will be again, consistent with land use practices, none of the public lands will become wilderness areas, none of the public lands will forbid timber harvest. They'll all be hunted. They'll all be managed in accordance with what we've always done, but they're there to give people public access. (Interview with author, August 2001)

Just as the Task Force's conservation activities provide diversified opportunities for corporations, landowners, and the public to use conserved properties, the regime provides many different opportunities for the public to get involved through organizations with varying missions and their diverse liaisons.

Contrary to Skocpol's assertions about national organizations' negative affects on local participation, for the South Carolina partnership, the cooperation and variety of national Task Force member organizations with seemingly opposed interests like birding and duck hunting is crucial to involving those landowners unlikely to become involved due to their opposition to some member group. Rhodes puts this in plain terms: "If someone hates land trusts, maybe they like killing ducks. They can go to DU. If they don't like DU, they can do TNC. And you know, well maybe they're really rich, so they create their own foundation. There's all kind of ways. And it doesn't to me make beans of a difference which way they

choose or which organization they choose just so long as they do it” (Interview with author, October 2003). Charles Hallmark of Ducks Unlimited sees his organization as a critical player because his organization can work behind the scenes to bring his “conservative white membership.. who buy hunting licenses” into alliances with environmental advocacy organizations with whom they would typically not associate:

If you run the numbers on who actually contributed to conservation first, most and last, it's people buying hunting licenses. Obviously it's contributing to this team effort. But our other role I believe, and this is something that almost seems obvious but it's not. We are a conservation organization that appeals to a constituency, part of which would never consider themselves environmentalists and would be ill-suited to be members of the Downstate Conservancy, the TNC or Vincent Stegall's organization. In fact a lot of our constituency probably disagrees with Vincent. (Interview with author, November 2003)

Although the Task Force members discuss the extent to which local and national conservation organizations act in concert, they also use their organizational diversity to forestall criticisms and attract diverse, politically conservative audiences to support their activities. As in New Hampshire, groups realize that to work together, they may need to approach constituents separately.

As stated earlier, many individuals remain connected to the Task Force even when they have changed group affiliation. This organizational crossover creates mutual trust among those of different organizations. But it also means that when members are speaking, they are not necessarily seen as strictly representing the interests of their organization, but rather their perspective based on personal experience: from their professional career, from their volunteer commitments, and from their relationships with family members and the larger community. Many long-term members of the Task Force are excellent examples of continuing commitment to Task Force efforts despite organizational turnover and crossover from public agencies to private organizations at various local, state, and national scales. Deliberative theorists like Jane Mansbridge note that “groups with cross-cutting cleavages” of this sort are

“more likely to create a productive deliberative arena” because they allow “each to see the others more in the round” and “encourage informal consultation” (Mansbridge 2003, 190). But this effectiveness of informal ties is typically seen as negative if based in elite relationships and organizations (Domhoff 1967). Do cross-cutting ties cement collaboration or provide opportunities for collusion in the South Carolina case?

Organization and agency crossover is typical among professional conservationists over the course of a career in timber or wildlife management. Ralph Armour, a wildlife biologist specializing in deer management who founded the Quality Deer Management Association, retired from his job with the SCDNR to become the project director of TNC’s efforts in the ACE Basin Task Force and Ducks Unlimited’s Lowcountry Initiative (Hamilton 1998). Roy Bunker, officially the Task Force Member for Ducks Unlimited prior to his retirement, was originally a forester in the ACE Basin for Westvaco Corporation for twenty-five years, and currently serves on the advisory board of the SCDNR and the Bank of South Carolina (DU website). Given these crosscutting affiliations among Task Force members, it’s not surprising that members are seen as speaking from expertise in their professional and volunteer life rather than from any single organizational affiliation, as in New Hampshire, where representatives are typically professional staff members of their organizations. Unlike New Hampshire, where conservation professionals were likely to hold volunteer positions in their towns or on lower-capacity land trust boards, in South Carolina, cross-cutting positions were more likely to be held at the state or national level of member organizations.

Bunker’s later branching out into volunteer board positions illustrates the extent to which professional crossover among agencies and organizations is supplemented by interlocking directorates of NGO, foundation and agency boards. In many respects, these interlocking directorates mirror the corporate collusion led by banks that was originally criticized by Louis Brandeis in the Progressive Era (1914). The Bank of South Carolina,

founded by Reidel's brother, has a board and staff made up of many familiar faces, including Will Reidel, Philip Rhodes' mother, and Sam Shirley, Chairman of the Marine Advisory Board of the SCDNR who is also a trustee of the Downstate Conservancy, a former board member of the South Carolina Chapter of the Nature Conservancy and the Development Committee for Ducks Unlimited National, in addition to being vice-chairman of a private wildlife foundation and a partner in a hunt club which donated a 550-acre easement to the Downstate Conservancy (Downstate Conservancy Fall 2003 newsletter). Will Reidel is not only the first chairman of the ACE Basin Task Force, a former SID board member, and a landowner, but also a board member of Ducks Unlimited National and of the South Carolina Chapter of the Nature Conservancy (DU website 2005). Adam Falls, a member of the Task Force, is the President of the Downstate Conservancy, the Chairman of the SCDNR Board, President of Nemours Wildlife Foundation (all three organizations belong to the Task Force), and an avid hunter and private landowner on an island north of the ACE who has donated a conservation easement on his property (Downstate Conservancy Fall 2003 newsletter). (See Figure 5.1 below).

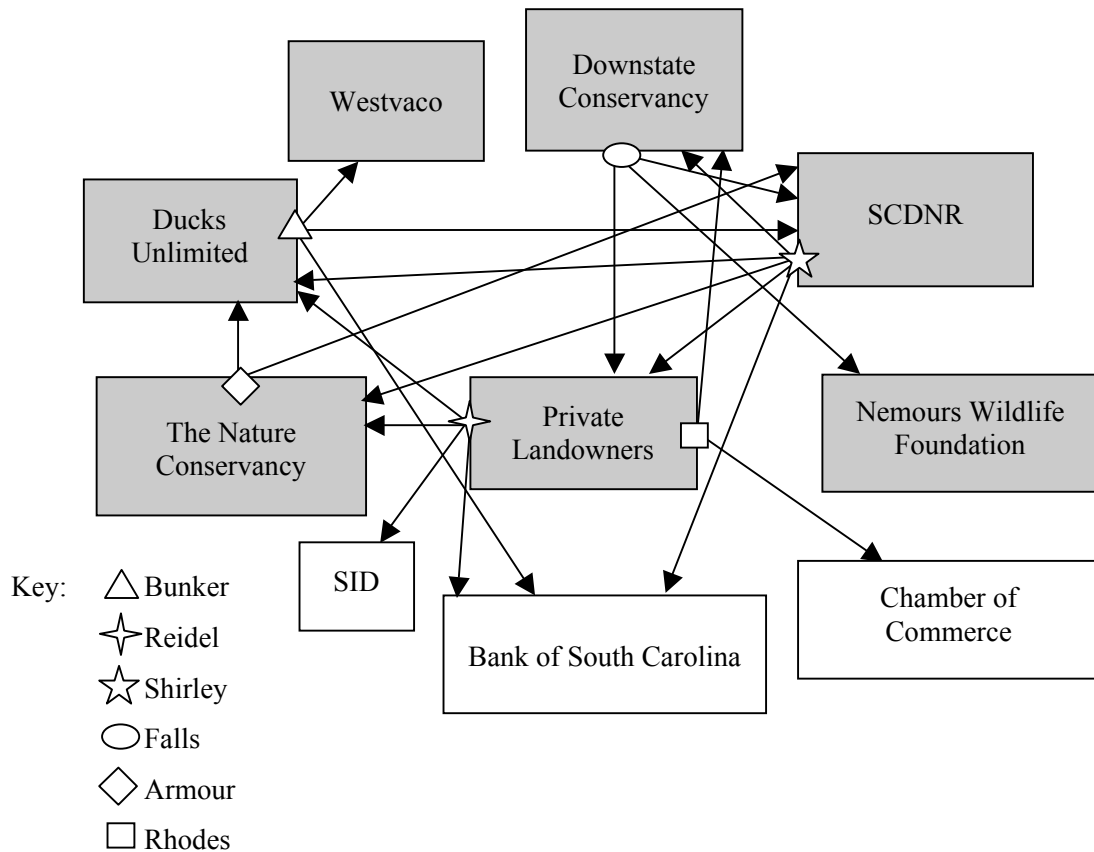


Figure 5.1: Cross-Cutting Affiliations of Six Task Force Participants^{A,B}

^AShading indicates official Task Force membership.

^BEach node represents one Task Force member, with the point of origin representing primary affiliation. Arrows indicate current or past affiliation (board or staff position).

Students of the power elite have tracked the interlocking channels of power in board overlap with sinister overtones for years (Domhoff 1967; Mills 1959)—but the Task Force members readily admit that overlapping interests are useful to their work and a measure of Task Force success. So much cooperation among members with affiliations in agency and organization partners helps to suppress competition. This suppression effect of interlocking directorates in a single industry was explicitly determined by 1914 to be an unacceptable form of collusion, which §8 of the Clayton Antitrust Act sought to forestall. Different conservation

leaders admit that their closeness is practically incestuous. Will Reidel sees the compatibility of groups in South Carolina as coming from their acceptance of each others' place in the landscape and their appreciation for each others' activities: "The thing in South Carolina that's unique and it's evolved from this is that you don't have sort of a sportsmen's group, an environmental group, and a forestry group and an agricultural group. They all are in bed together" (Interview with author, August 2001). Philip Rhodes describes the Task Force as a vehicle for getting the tight-knit conservation community working in concert: "In Charleston, the conservation community is in fact fairly small. You get a lot of overlap in boards, a lot of overlap different people have in where they're putting their conservation energies" (Interview with author, October 2003). As in New Hampshire, however, the groups realized that to work together often means disguising the extent of this coordination.

Participation in the ACE Basin Task Force was limited strictly to those organizational representatives or landowners who had earned a spot through substantial financial contributions to land conservation in the area, not based on interest in Task Force activities or membership in the community. This meant that lesser-capacity community land trusts and the local advocacy organization were formally excluded, but that private landowners and corporations that had donated conservation easements were allowed to participate. From its formation, the Task Force saw relationship-building as a precursor to formal inclusion, rather than as following from inclusion of interested parties who might discover common interests in partnership discussions, as empowered deliberation theorists hope. For those who are invited, the ACE Basin conservation machine in South Carolina involves the private citizens and community organizations that it does include in leadership roles and decision-making capacities far more substantively than the subordinate, consultative Community Partner designation in New Hampshire—and possibly greater than that achieved in the San Diego deliberations. The public San Diego process favored formal inclusion, regardless of

organizational tenure or community standing, because of concerns about procedural legitimacy. In the Lowcountry, organizational legitimacy was paramount for formal inclusion, and damage to procedural legitimacy from this exclusion was understood as the cost of keeping the inner circle functioning smoothly. How did these tradeoffs affect the internal deliberations of the Task Force, and the reception of its decisions in the larger community?

Informal Deliberation in Public and Private Settings: Naturalizing Authenticity and Intimacy

Contrasting the inclusive, public deliberations in the San Diego MSCP to the exclusive, backstage deliberations within the ACE Basin Task Force illustrates the vastly different perceptions of procedural and organizational legitimacy when participation is limited to a small group. The internal private deliberations of the Task Force Members mobilized among a few environmental groups ongoing collaborations so powerful that they came to resemble an elite governing regime more than a coalition between NGOs and public agencies. In fact, consensus was so naturalized as to hardly require formalization once groups had been assembled, according to group members like Philip Rhodes: “So what we needed here was to bring those people together with a shared vision... The same themes are going to come naturally from each one of them. It’s not something that got written down and then memorized. It’s something they believe and feel” (Interview with author, October 2003). Whereas national groups in San Diego preferred to cede decision-making to local stakeholders, national groups like TNC and Ducks Unlimited saw their ability to stem organizational pressures on local group representatives as key to their relevance in the region. The power to exclude and deliberate privately in the Task Force is explicitly linked to the capacity of the body to take the interests of larger publics, not individual organizations or fragmented constituencies, into consideration.

As the experience in San Diego shows, informal backstage pressure among groups with similar interests but different approaches may lead to frustration and disillusionment. Informal backstage pressure in the Task Force came from private landowners with cross-cutting affiliations and was oriented towards making sure interest group representatives did not compete or pull towards their own missions at the expense of group consensus. Philip Rhodes openly claims that the board commitments of landowner members help them to control the competitive instincts of professional conservation organization staffers:

The staff people at those organizations are measured in part by how many easements they get. And so the Task Force defuses those pressures. “Okay, well you do this one and you do this one and I’ll take this,” you know? And because the private landowners are represented on the boards of those organizations, the private landowners have a way to kind of go over the staff’s head if necessary to the board and say, “These guys have got to calm down.” I’m not saying that’s the key but it’s just what sort of keeps it from all blowing up, because they are competitive. (Interview with author, October 2003)

Task Force leaders’ backstage pressure reinforced pressure for consensus within the group, just as agency higher-ups pressured lower-level staff in San Diego to hew to consensus in the deliberations. But Task Force members did not believe that restrictive pressures were “the key” to generating cooperation.

Instead, the Task Force emphasized their ability to socialize together in informal contexts as essential to the ongoing substance and authenticity of their collaboration. This social networking tradition was critical to the character of the larger conservation community, a phenomenon Anne Deane, the land use director of Sea Island Defenders, describes as “lack of territoriality”: “The way people will flip things to each other, contact donors with each other, the sharing of the information and the web, the membership, the tips and the insider knowledge which started a long time ago” (Interview with author, October 2003). Task Force members credit their success to creating a ritual microcosm of this larger tradition by setting aside a substantial amount of time for informal conversation in their lunch meetings. Task

Force members take turns hosting a meal for each meeting. These meals enhance the sense of friendly personal competition while diminishing intergroup rivalries, according to Reidel: “We always start with a meal, and everybody tries to outdo each other with a Lowcountry meal. So the first couple of hours are social hours, and we build camaraderie and team work rather than competition amongst organizations” (Interview with author, August 2001). Philip Rhodes describes these extended sessions as lasting at least an hour: “We get together and we always precede our meetings with a meal, at least an hour, maybe an hour and a half of social before and thirty minutes or twenty minutes of social after... I don’t know that it’s easily replicated” (Interview with author, November 2003).

Theorist Maarten Hajer’s interest in the experimentalism produced by altered settings for deliberation (2005, 642) assists in understanding why the family-style meal was thought to be so critical to setting the tone by Task Force members. The substantial Task Force meals are designed to break down the professional decorum and rational efficiencies of meeting preparation that Bernstein perceived as mandatory for being taken seriously in the MSCP deliberations. Kathy Walley, a federal agency official, also describes the meal as critical to establishing relationships on issues unrelated to individuals’ professional capacity: “This seems basic but every Task Force meeting starts with a meal... It could be frogmore stew or whatever, so it’s kind of good to have that social aspect, chit chat, talk a little not about what you’re going to talk about” (Interview with author, August 2001). Frogmore stew is a messy local delicacy of half crabs, shrimp in their shells, corn cobs, and smoked sausage that is virtually impossible to eat without using one’s hands and a large quantity of napkins. Fried quail over creamed grits, or the southern “dinner” of pulled pork barbecue and three vegetable sides are other similarly substantial options, and serve to reinforce the place-based geographies of group members while also showcasing the game and fisheries resources they are trying to protect.

Philip Rhodes distinguishes this type of privately-prepared collective meal and guest-host dynamic from conference table brownbagging that occurs on other boards or committees: “I’m a member of a lot of boards and have been and it completely changes the whole program when you eat with somebody, when you have that. You don’t show up to these noon meetings and there’s a sandwich in front of you and you’re talking and you’re eating and you’re all gone by one... It just isn’t peanut butter and jelly. It’s an effort” (Interview with author, November 2003). In contrast to Walley, Rhodes emphasizes that the social time is strategically useful for private information-sharing that is inappropriate for the rest of the group: “What it does is it creates an environment for people to get to know each other a lot better than they would otherwise, and to exchange sort of some one-on-one information that maybe isn’t really appropriate for the entire meeting and there’s a lot of, a real effort to help the other partners with what they’ve got going on” (Interview with author, November 2003). As Rhodes reveals, this informality is relatively theatrical in nature, and by no means a space free of political negotiation, despite the deliberate blurring of personal and professional interactions. A place for sensitive conversations is purposefully made in the company of the rest of the group—a clear contrast to the closed subcommittee meetings in San Diego which prompted suspicions about the authenticity of the public deliberations.

Such seemingly trivial details of lunch meeting protocol as food preparation and hospitality are wholly absent from discussions of how consensus did or didn’t work in MSCP deliberations, which may not be surprising since the emphasis in San Diego is on the formalization of consensus, not an insistence on informality and local exceptionalism. But the intimate social activities that take place around the meal are not simply about fostering Stinchcombe’s “warm personal relations” that Polletta and Stone find so helpful in creating pleasurable, friendly contexts for decision-making. The content shared in these informal discussions reinforces the transparency of the groups’ “official” discussion. Travis Wise, an

executive of the coastal land trust, describes working relationships with the national chapter organizations as confessional in nature: “we just work extremely openly, and there’s no holds barred, we tell them all our secrets” (Interview with author, November 2003). As members of the Task Force acknowledge, the ability to forge consensus and change individual preferences is much easier and less messy in a small, private group than in a large public process. But understanding the success of the Lowcountry body as based in a simple tradeoff in which formal public participation lost out to the greater efficiency and trust possible in informal deliberation is missing a large part of the story. The ACE Basin partners pursued informal communication in private settings, but they also worked to portray their decision-making as informally as possible to the local media. Task Force members sold their low profiles as evidence of their authentic intentions to a skeptical public.

The ACE Basin Task Force did not ignore the necessity of engaging with those outside their group, but they did not equate formal inclusion with achieving these goals. Participation of those outside the Task Force was critical to the partnership for producing better conservation outcomes, not for increasing project legitimacy—despite members’ awareness of potential backlash. As in their meetings within the exclusive group, the Task Force pursued informal means of soliciting individual support from potential opponents and resistant property owners. Rhodes describes why it is important for the Task Force to maintain a low profile in mobilizing resistant landowners and sympathetic real estate brokers while avoiding the wrath of property rights groups: “I mean the Task Force is nothing. It’s a group of people that come together. There’s no budget, there’s no constitution, there’s no bylaws, it’s just a meeting that occurs whenever we set the next meeting at the meeting we’re at. So there’s nothing for anyone to even—there’s no way to get at it” (Interview with author, November 2003). Energizing the conservation troops in the general public and educating public officials was delegated to the powerful regional conservation advocacy organization;

public participation was only valuable to the Task Force inasmuch as individual members of the public were critical to achieving project goals.

Task Force members focused first on convincing resistant locals sitting on ecologically valuable properties to conserve their land. They adopted an extremely personalized approach, using family members or organizational representatives with the most ties to locals to persuade landowners outside the regime that conservation was both a property right and a hallowed local tradition under threat from outsiders. Reidel gets visibly animated when discussing the social networks the partnership leverages: “We never stop asking. We’re so strategic in the ACE Basin, we’re down to where if we can’t get this guy, we work the children, hell, we work the grandchildren! We connect every day. We sit down and say whoever got the most connections [should approach the landowner]” (Interview with author, August 2001). Despite South Carolinians’ famed resistance to public interference in private property matters,⁵⁹ the private landowner members are so impassioned about their mission that they actively pursue resistant landowners who in New Hampshire were carefully handled to avoid any implication of pressure from the state: “We will never stop, the Trexler family, largest landowner, we haven’t gotten but a little bit from them, but we will never stop until the day—and they will feel the pressure from every end. Joe Hageman says, ‘I don’t want to hear the word easement!’ Well, Joe, you’re going to hear it, you’re going to hear it until finally one day you’re just going to have to do it because all your neighbors are doing it” (Interview with author, August 2001). The low profile of Task Force members’ cooperation and coordination of their efforts is critical to maintaining credibility with conservative property owners deeply distrustful of government.

⁵⁹ Like New Hampshire’s ubiquitous “Live Free or Die” motto, this storied resistance is most famously represented in the state flag motto “Don’t tread on me.”

Like the Partnership in New Hampshire, the Task Force sought inconspicuous ways of getting to know landowners through non-threatening, voluntary educational events unrelated to the work of the Task Force. These events provide incentives to participate in some fashion to those who are not initially interested in granting easements. The Nemours Foundation, the newest member of the Task Force and a private foundation bequested by Gene DuPont, offers educational programs for local landowners on quail, waterfowl, deer, and timber management. The Task Force itself holds periodic landowner meetings and events with speakers that will attract landowners, whatever their political or environmental orientation; Rhodes notes in regards to the Task Force's fifteenth anniversary celebration, "So you know, that's a neat event for the landowners to show up to. I mean, even if you're not so sure about conservation, at least you can go see those people if that's important to you" (Interview with author, August 2001). In San Diego, by contrast, association with the Working Group is frighteningly stigmatizing for those who would like to avoid the local political fray. In the South Carolina partnership, those who typically "avoid politics" can simply make a show of support for one of the groups or causes that they favor, with no presumption that they support an overarching, comprehensive community plan for environmental conservation.

Task Force members find that personalized, informalized tactics of engagement are far more effective than public informational sessions because so many landowners are uninterested in public discussion of land conservation. Travis Wise of the statewide land trust describes this strategy as "just worthless": "I was at a seminar for landowners on the [X] River last week and the same people came who came twenty years ago. Nothing's happening. We'll continue to go, but I'm sorry, we're not dedicating a whole lot of time and resources to that" (Interview with author, November 2003). Wise sees his group's attempts to personalize landowner education as necessary responses to citizen avoidance of public processes: "unfortunately in today's world, people are busy, people are suspicious, and they tend to not

want to come and talk about something. The people who need [conservation information] the most are the ones who are the most sensitive... They understand that they're just going to air their dirty linen" (Interview with author, November 2003). Members of the Task Force generally avoided public forums not because they thought such processes were messy, but because they found such processes unproductive based on the perception that the citizens they were trying to reach thought such processes were messy.

Despite the aggressiveness of these "quiet" tactics, conservation provided clear economic gains for landowners and developers. Task Force members saw themselves as responsible for preventing cooptation of conservation and ensuring the integrity of the conservation projects they had achieved. Travis Wise of the Countywide Conservancy describes a scrupulous effort on the part of the Task Force organizations to make sure conservation is done by the book and for the right reasons: "the work we do has to be squeaky clean... The problem is... people who will come in and take leftover wetlands of a golf course and use terms like 'Audubon-certified golf course,' which is nothing but a membership organization" (Interview with author, November 2003). Philip describes the ways in which the partnership proactively leverages networking contacts deep in the development community to ensure that buyers are not speculators: "The brokerage community, they're not a member of the Task Force, but we certainly are in close contact with the brokers and we know who's interested in buying properties and who's interested in trying to make sure the right people buy it, you know, that sympathetic people are buying it" (Interview with author, October 2003).⁶⁰

⁶⁰ This language of appropriateness and discretion is echoed in the local real estate brokerage community. A local company that specializes in real estate brokerage and timber management and supports a local foundation's revolving conservation loan fund describes its method of operation on its website: "The company has built its reputation by working behind the scenes, quietly matching the right property with the right owner, respecting and working within the confidentiality of its clients" (Wise Batten 2005).

That these activities have been kept discrete is seen as a virtue since it means that organizations and individuals are interested in pursuing conservation not for political gain or public stature but for the “right” reasons—a clear difference from the San Diego case where MSCP participation afforded developers and regional conservationists “poster child” and “leader” status. Like Principal Partners who “leave their bowling shirts at the door,” the ultimate approbation for conservationists in South Carolina is to be seen as selfless. Anne Deane says, “you talk about classic statesmen. These are people who care about the good of the land and not ‘what I can make out of it’” (Interview with author, October 2003). When asked what they are proudest of in their involvement, Rhodes defers to the other members: “I’m just astounded by what we’ve accomplished. It’s just got little or nothing to do with me, but they are people who have created something that will last for generations that is the result of their passion, but it’s not for any kind of economic self-gain or benefit” (Interview with author, November 2003). Reidel is characteristically blunt in assessing the importance of having partners who avoid the spotlight: “You’ve got to have people who are not egomaniacs... their satisfaction comes from having it done and not from taking credit and that’s a hard thing to find... And we’ve not only been fortunate in having people like that, we’ve had excess people like that” (Interview with author, August 2001). In contrast to the MSCP process, where citizen participation frequently garnered individual recognition in the form of awards, Deane says, “We don’t do awards... we don’t recognize our members in any way... we’re just working our behinds off and I think they know that” (Interview with author, October 2003).

Despite the fact that the Task Force was generally more interested in maintaining a low profile than in pursuing public input, the public was regularly informed through the local newspaper about the exclusive Task Force approach. Partners actively publicized individual conversion stories in the local press and foregrounded the informal sociability of land use

decision-making in the region. Openness about backstage pressuring tactics and deliberate exclusion poses a puzzle for researchers who link informal elite tactics with inherent predispositions towards private redistribution and personal gain. The regime-like informal activity of the Task Force in the Lowcountry challenges this linking of elite interests and privatized tactics inasmuch as the conservation advocacy organization has actively pursued public understandings of informal, discrete elite activity as benefiting the conservation interests of the larger public.

An instructive example of the extent to which backstage conversation and interpersonal pressure has been normalized as the route to conservation comes from articles in Charleston's daily newspaper, the *Post and Courier*. One front-page story relates a phone call as a critical turning point in converting a developer to the gospel of public-private land conservation. The piece is headlined "Conversation Led to Conservation," and describes preserving a barrier island as "a quiet goal of many people." However, a deal between a national conservation organization and the developer with an option on the property "didn't heat up" until a fateful phone call: "A few days after Christmas, the two had an hour-long telephone conversation about the fate of some 126 acres on the northern end of island" (Behre 2006a). The representative of the conservation organization thought his organization's mission might "strike a chord" with the Florida developer, who had local roots in the area. A visit from the developer to the conservationist's office sealed the deal: "the two chatted about the island and about putting together a deal to save it" (Behre 2006a). In fact, chats like this are carefully choreographed, and the article goes on to report that Charleston mayor Joe Riley had a hand in insisting that the two "ought to talk": "Riley said he contacted [the developer] just before Christmas as a courtesy to let him know that the mayor planned to write an opinion piece in this newspaper about the need to save the island from development" (Behre 2006a).

Similarly, an article on the move towards public-private partnerships and away from regulation as a way of managing wetlands reports a conversion experience on the part of “no-holds-barred environmental regulator” George Swinney, a dramatic turn prompted by an unsolicited call. Swinney was phoned by a “well-known bane of regulators,” a “developer conservationist,” and asked if he would like to join one of the newly-formed satellite Task Forces sprouting along the coast in 1991. Now a friend, the developer is quoted in a local newspaper profile of Swinney regarding his transformation: “Most people wouldn’t understand how difficult the transition was for him... He was on-the-record, death-and-taxes about managed wetlands. He bought into the idea of public-private partnership more than any man I met in government” (Peterson 2005). Despite the fact that Swinney initially thought the phone call was a joke, he has become an evangelist for more flexibility in wetlands management within his former agency. ACE Basin Task Force member and Ducks Unlimited biologist Anthony Briley says Swinney “never lost sight of the rules and regulations, but he found a way to make it work... He has made some difference, and he’s done it quietly” (Peterson 2005). Swinney’s quiet manner is one of the greatest compliments the Task Force can bestow upon a regulator now known as one of the region’s selfless statesmen.

The informal communication that produces such unlikely pairings, forestalls cooptation, and avoids contentious public battles between the state and landowners or conservationists and developers is heralded by members as consistent with local traditions of cooperation. Anne Deane describes this level of backstage networking outside the Task Force as critical to cooperation across political lines and among potential opponents: “In South Carolina, the environmental community and the development community and the political community—all three are all small enough that we all know each other, and I would dare say at this point now that there is a high enough level of respect that they all go to each other and they all talk to each other... That is how the ACE Basin happened, that is why we are kicking

butt on protecting land in South Carolina more so than most other southeastern states” (Interview with author, October 2003). Forging cooperation among individuals representing diverse interests is also an avowed goal of the MSCP Working Group, but the manner of approach is starkly different. In San Diego, consensus emerged from formal commitment to the larger group and long duration of association. For members of the MSCP like Bobby Goode, “just being in the trenches with a number of people for years” was crucial for hammering out agreements (Interview with author, April 2004). In Charleston, preference change was portrayed in the local press as happening rapidly through the extension of direct personal contact.

Just as perceptions of informal communication in the San Diego MSCP deliberations demonstrated that the use of informal practices within formal process was not thought to be limited to elites, so perceptions of the regime-like activities of the ACE Basin Task Force demonstrate that the informal tactics of elites are not always perceived to be conducted for the purpose of concealment of private gains. Task Force members actively took pride in their low profiles as revealing an orientation towards substantive accomplishments rather than organizational popularity. Members avoided publicizing their Task Force membership or organizational affiliations in favor of publicizing their individual concern for the best interests of the place—a strategy that also made their interest in voluntary conservation far less threatening for property-rights-oriented citizens distrustful of government intrusion into private affairs.

The resulting efforts of the Task Force to engender limited participation of strategically important individuals do not accord with ideals of transparency, maximal inclusion, or open-ended discussion of local perspectives. Certainly, this informal approach to soliciting public support would have reeked of cronyism and paternalism for locals in San Diego—and likely would have increased suspicions of conspiracy on the far right and far left.

Nevertheless, these informal strategies should not be dismissed out of hand as irrelevant to the recurring challenges of formal participation in the sorts of communities that Irvin and Stansbury (2004) describe as resistant to organizers' best efforts at encouraging public meeting attendance. These efforts did respect public diversity to the extent that they actively tried to solicit substantive support beyond the usual suspects and likely constituents for conservation. These efforts did respect substantive dialogue to the extent that they repudiated tokenistic input in favor of concrete contributions and ongoing relationships among strange bedfellows.

For those like Naurin who associate deliberative authenticity with the capacity for preference change, the conversion of state regulators and private developers to public-private cooperation—let alone their willingness to be seen as having changed their minds in public—does represent progress for public-spirited rather than constituent-directed dialogue. Emphasizing the potential reinforcing effects of these informal methods is not simply a matter of making formal efforts more flexible to local contexts or correcting their errors of omission⁶¹ or approach. The very idea of formal transparency, maximum inclusion, and public discussion can, in certain contexts and for certain constituencies, convey the taint of publicity and self-interest on the part of organizations, and government interference and privacy violations on the part of individuals. In fact, for those members of the public most resistant to formal public engagement, informal participation was worthwhile to the extent that it was irrelevant in principle to formal government conservation efforts, organized political activity, and impersonal institutions.

⁶¹ I am certainly not advocating that, because South Carolinians were able to convince many property rights proponents that voluntary conservation was consistent with their land ethic, MSCP organizers should have taken pains to exert personal pressure on property rights activists who opted out of the process. Including far right property rights activists and far left environmental activists in the MSCP process, even if it had been possible, would have made consensus impossible. It is worth noting that, although I describe such interests as parallel, property rights in the West implies very different connotations and historical associations than property rights in the Southeast.

Encouraging Consensus on the Need for Compromise: Durable Commitments and Revised Scope

Far more than in the GBRPP or the MSCP, consensus was perceived in the ACE Basin Task Force as relatively effortless and requiring little deliberation over competing viewpoints or potential alternatives. In part, this was because participants had already demonstrated a commitment to the Task Force's model of conservation, and because potential competition among like-minded groups was forestalled by the overlapping affiliations and informal internal pressure described earlier. Whereas in the GBRPP, much deliberation was invested in determining appropriate authority structures, official membership status, and names for various categories of roles, the Task Force drew up its charter, approved it, and elected Reidel chairman in a single meeting. This faster and less reflective process in South Carolina, as compared to the gradual, open-ended consensus-building of the Principal Partners' approach, has characterized the Task Force's operation ever since, according to Reidel: "It's interesting that we never really changed from that. The formula worked, and the formula worked essentially because the people who were involved were local people who understood the sensibilities and the politics of the area... I mean, you know, we don't deliberate a lot. We just make decisions and move on" (Interview with author, August 2001). For Reidel, encouraging deliberation is far less important than encouraging consensus, and consensus is based on what the chairman and members sense is locally appropriate and politically tenable. This perceived local authenticity comes less from sensitivity to the input of local institutions and communities, as in the Great Bay Partnership, but from the fact that organizational representatives and other Task Force members are "local people." The product of consensus in the ACE Basin has been quantified in the vast amounts of conservation acreage the Task Force has achieved. But what about the direct outcomes on the partners of

the process that led to that product? As in the other chapters, this section assesses the consensus-building of the Task Force in light of the ability of partners to maintain consensus and use deliberative skills long after specific decisions are made. Did they continue to support and believe in the Task Force model of decision-making? Did they question compromises they had made?

In comparing the success of the ACE Basin Task Force in maintaining a rock-solid consensus to the more limited success of the identically-organized Task Forces started along the South Carolina coast, observers have noted that having similar interests or institutional charters is not enough. Philip Rhodes sees the failure of the satellite partnerships to work as effectively as in part due to differences in leadership—despite the fact that he also claimed, as quoted earlier, that the success had “little or nothing” to do with his own work: “This is a partnership. I mean, this is not about the Chairman being the guy that just—See, Charles and I are facilitating a process and some of these other partnerships I believe, and I don’t know this firsthand, I know this through what I’ve heard, have either a very powerful person who creates strife as opposed to calming the waters... He just doesn’t really make it all come together” (Interview with author, November 2003). In wielding authority within the partnership, Will Reidel and Philip Rhodes had significantly more power in their role as Chairmen than Kay Truitt did as the GBRPP “Coordinator.”⁶² Nevertheless, their use of decision-making authority is tempered by the delicacy with which they negotiate their legitimacy among Task Force members. Reidel’s role as an unpaid local in touch with local priorities was unquestioned, which in turn legitimized the goals and governance structure of the Task Force. Will describes his own philosophy of leadership: “And I just made a lot of unilateral decisions, but I always built consensus, because I’m a diplomat, and not a—I’m very

⁶² While Truitt claimed to have nine “bosses,” she did serve as the Partnership’s de facto leader. Nevertheless, she was also charged with mundane organization and management tasks, and in this sense served more as facilitator than as chairwoman.

diplomatic. I make sure that everybody agrees on everything and I've never pushed something down" (Interview with author, August 2001). Will obviously understands that he is responsible for consensus building, but this is for his own unilateral decisions. Will points out that his position as Chairman is contingent on the support of the group: "We're organized like the Politburo was in Russia. I'm Chairman, and as long as everybody likes me, I have authority, but I could be pushed out at any one time" (Interview with author, August 2001).

Despite the emphasis on unanimous agreement within the Task Force, compromise as a method of avoiding pitched battles is framed within the conservation community as a sign of principle—a stark difference from San Diego, where willingness to compromise splintered environmental groups. Anne Deane of SID claims that the ways in which Reidel and Vincent Stegall negotiate persistently and quietly contributes to their effectiveness with opponents:

Time and time again where we've sat in meetings where there would have been fights or arguments or just screaming, I've seen [Will and Vincent] give and concede and sit back and say "Let's approach this a different way then," because they are determined to solve that problem. They're determined to save that land and nothing else matters. I've seen them sublimate their egos and their desires and compromise and compromise. (Interview with author, October 2003)

While the Task Force members publicly advertised their ability to convert opponents through appeals to reasoned conversation, their passion for converting others to the cause is balanced by unfailing engagement with those outside the Task Force who do not share their goals, even if opponents do not change their minds. Ongoing dialogue across difference is not unique to the Task Force but a long-held rule for civility and respect in the larger political community. Even Anne Deane, the land use director of the aggressive advocacy organization, is insistent that SID works so well because it is non-adversarial on potential points of contention:

We don't wander around hating Republicans. No matter what our personal individual feelings are politically, our obligation and responsibility is to work across all borders. And so we don't indulge in the petty name calling and the sort of vindictiveness of: "He's our enemy, we just don't like him." There are areas where we will disagree with somebody and be civil about it. We

would do everything we could to convince him not to do it, you know, to spare a fight, but if we couldn't work it, we didn't vilify him. (Interview with author, October 2003)

The small world of the conservation community extends to the small world of local politics in general, with Deane noting that this level of respect has been cultivated over a long period of time: "It's important because this is a small state with a relatively small population and everybody sort of knows each other. And the way you behave in meetings, at parties, at public hearings and at court battles all carries over to the social aspects of our lives and the business aspects and when you behave respectfully of other people and you interact respectfully, they do the same thing back to you" (Interview with author, October 2003). Maintaining cordial relationships was important in an environment where conservationists were far more likely than in San Diego to run into developers not just on repeated issues in public hearings, but in the supermarket, church, or local sporting events.

Confrontation is defused by avoiding the personal attacks that would quickly poison the small community of elites who control land use decision-making in the state. Bad blood can linger for a long time, but the reverse is also true. Deane notes:

The other thing that happens is the chair of County Council gets to know you, the staff, the county attorney, the head of the Chamber gets to know you, and one person at a time you build up the community trust, and even when he's no longer head of the Chamber anymore, he still knows all of the people on the Chamber and he'll say, "Anne Deane is reasonable, you can deal with her." And that one-on-one relationship I think is the other hallmark of conservation in South Carolina. And that is the faces working in conservation today are the faces that I saw working in it twenty-five years ago. It's the same ones doing the same work, we've all shifted positions some and now I'm paid for it. (Interview with author, October 2003)

As in New Hampshire, even those who are no longer in positions of power still retain a great deal of credibility among their friends and former colleagues. Compared to the San Diego MSCP's focus on creating forward-looking institutions, the conservation machine cultivates the influence and expertise of former community leaders. But it also relies on more consistent

involvement than was possible in San Diego, where administrative turnover and exhaustion were challenges for Jeffrey Ecker in maintaining consensus among participating groups.

As Deane's quote illustrates, consensus about the need for compromise and "reasonable" talk is rigorously enforced—one of Mansbridge's chief complaints about the "looming consensus" imposed in deliberative processes (Fung, Young and Mansbridge 2004, 49). Unpacking the lack of contention in the conservation community in South Carolina requires investigating the extent to which the preference for consensus and respectful dialogue hindered the expression of difference or conflict, or excluded stakeholders who could not frame their viewpoints according to the norms of rational discussion. The consequences of not appearing flexible are illustrated by a news article on a compromise regulation on development of marsh islands drafted and endorsed by conservationists and developers. The chairwoman of a state agency was perceived by legislators as threatening to shut down the regulation if state legislators "tinkered" with the compromise that had already been reached. The *Post and Courier* reports that her "pointed comments" and "sharp words" offended both Democratic and Republican subcommittee members who chafed at the insinuation that her agency would not cooperate with amendments to the plan. One claimed that the insult had threatened the plan itself: "You just turned me off" (Jordan 2006). Did the widespread pressure for consensus in the larger community affect excluded environmental groups, or those who opposed conservation altogether, from expressing their views?

Conservation and hunting interest groups' assertions of identical interests need further examination. Since most environmental groups are excluded from the Task Force, they were not forced to go along with a consensus-based decision-making process. But they still claimed similar or identical interests, even in venues for public input that did not require consensus. Evidence of voluntary collaboration among such groups indicates that representatives of more powerful, politically conservative organizations were willing to defer

to small regional volunteer groups advocating biodiversity—without planning such agreement in advance. Dale Surber is a representative of the National Wild Turkey Federation, a national hunters' group based in South Carolina, which has contributed funding for ACE Basin Project easements and hosted Supreme Court Justice Antonin Scalia at its most recent annual convention. Surber proudly describes a meeting with National Forest officials on forest management, also attended by the state's all-volunteer native plants advocacy group. The biologist from the native plants organization expressed that groups' concerns first, and Surber was up second: "They asked me what I wanted, and I said, 'Everything she said.' Turkeys are a part of the landscape" (Interview with author, November 2003).

Although the native plants organization and the Turkey Federation are narrowly focused interest groups serving very different memberships, their informal agreement in the Lowcountry even in consultative forums indicates the extent to which such groups feel their areas of potential difference are subsumed within their larger concern for the landscape overall. This perspective has evolved over the course of many observations of the substantial results Task Force members have been able to achieve through their method of compromise. Anne Deane relates that in the 1980s, the Sierra Club and volunteer environmentalists engaged differently with opponents:

I sort of draw a comparison to the early years, where I worked with the Sierra Club, and it was sort of like there were good guys and there were bad guys. And if somebody fought against you, they were a bad guy, and you didn't have anything to do with them, you didn't work with them, and you didn't want them as your friend, and you never supported them, and you didn't talk about building alliances to work together on other issues. Now Sierra Club didn't teach me to do that. That was just sort of the mindset, and there really was no guiding force saying we don't do things that way around here, we get along. (Interview with author, October 2003)

In the formal MSCP deliberations in San Diego, the native plants organization was expected to advocate for plants alone, and the diversity of environmental NGOs' missions sometimes prevented them from finding common ground even in voluntary efforts outside the MSCP

after the process was over. Under the leadership of Reidel and Stegall in South Carolina, conservation groups grew to perceive each others' activities as not only potentially complementary and mutually beneficial, but also described other groups' interests and their styles of activism as substantively valid and worthy of respect.

Environmental groups with more diverse environmental missions, like the local Sierra Club chapter, have joined coalitions of conservation organizations and regularly lead expeditions in the ACE Basin. In announcing the Sierra Club chapter's support of a multi-group coalition organized for conservation of an "ecologically sensitive barrier island" important for "migratory birds and native plants," a Sierra Club representative takes pains to endorse the variety of "special meaning" different residents might have for the island: "Some look to the island as a recreation spot on a hot summer day, others look to the island as an excellent fishing, shrimping or crabbing spot. There are also many people who look out at the island and see military history" (*Post and Courier* 2005). Reidel notes that the Sierra Club is an ally because its volunteers are respectful of more moderate conservation groups: "We don't have the Sierra Club out there stopping hunting, and fighting this and that kind of thing" (Interview with author, August 2001).

Both Patty Waits, volunteer chair of the local Sierra Club chapter, and Rosalie Seely, volunteer representative of the native plants organization, claimed in interviews that collaboration and support for conservation among these groups has increased as Task Force members have become more involved in statewide environmental issues. Waits did acknowledge that her group was sensible about the limits of environmental concern in the area, and noted that she did not follow national Sierra Club directives to stage protests against excessive plastic packaging, a notion she considered ridiculous, despite the fact that she is a "sustainability coordinator" at the local hospital. But the Sierra Club was not left to take a lonely stand when it came to resisting compromise that would have achieved limited

conservation at the expense of more specific limitations on growth. Waits and Will Reidel both lobbied together in public meetings against a half-cent sales tax measure that provided funding for conservation, but was ambiguous about how such funds could be used (Behre 2004). Whereas ensuring specific provisions for conservation was the paramount divisive issue among organizations like HAN and the less moderate environmental groups in San Diego, in the Lowcountry, Reidel insisted on holding the line against funding for conservation projects of questionable value: “What we didn’t like was there weren’t any specifics... it’s been our experience that if you don’t tie it down, it could get pretty sloppy” (Behre 2004). Volunteer environmental groups like the Sierra Club were willing to recognize the value of extractive uses because they believed in the bona fides of more moderate conservation groups, trust established because of the positions real estate brokers like former chair Reidel were willing to take under extreme political pressure for consensus.

The most striking evidence that the emphasis on consensus has artificially limited the bounds of acceptable dissent is in the marginalization of the state property rights group by fellow Republicans. Reidel acknowledges that this group has power elsewhere in the state but claims that their efforts are largely irrelevant in the ACE:

The only group that we have ever had opposition to in the ACE and it’s a group that is powerful... a far right-wing property rights group, who believe that, who have an interesting philosophy. They don’t even believe that people who own land ought to be able to put easements on their land because they don’t believe in tying land up. They believe that exploitation of land is a god-given right. And it’s a very funny group in that most of them don’t even own property, but they don’t want to see people that own property do, you know. (Interview with author, August 2001)

In the context of South Carolina’s conservative political landscape, this group is seen as extreme in part because the supporters and promoters of conservation efforts are so often Republicans. Anne Deane notes, “we have more Republicans in this state that support the environment than Democrats do” (Interview with author, October 2003), a fact most likely

attributable to the large proportion of African-American Democrats in impoverished areas of the state. Because conservation has been framed so effectively as a moderate bipartisan issue of self-determination, those who criticize the approach taken in the ACE Basin are depicted as extremists.

Reidel notes that the ACE Task Force has largely avoided tangling with property rights contingents because, “we’ve cleverly always sold conservation easements as a property right and we’ve been dogmatic about that and they’ve found it a very difficult place for criticism” (Interview with author, August 2001). The voluntary approach of the Task Force and its assertion that conservation easements are a property right gives little leverage to property rights advocates who oppose the transfer of private properties to public entities. Just how difficult is demonstrated in pro-growth letters to the editor of the Charleston newspaper opposing organized conservation efforts. One letter from the executive director of the landowners’ group claims that land conservation will drive the price of housing up, but finishes by claiming that he does not support unlimited growth: “I am not promoting unbridled growth but rather well-planned growth geared towards the benefit of the entire community” (Nix 2005). Another letter criticizing the “growth of preserved land along the coast” ends with a similar acknowledgement: “No one wants to fill in the whole coastal area, but someone needs to do some long-range thinking on the hidden costs of overprotection” (Wright 2005).

The need for conservation has been framed in the Lowcountry as a moderate issue for which conservationists are willing to compromise in order to diminish contention and reinforce moderate consensus over the long haul. But the fact that consensus and willingness to compromise have been maintained over the course of the Task Force’s founding does not mean that the consensus about what should be protected and how it can most effectively be

accomplished has remained static. The ACE Basin covers a county that is 73.8 percent rural,⁶³ with a relatively low growth rate of 11.3 percent in the decade before 2000, the 26th fastest growing county out of 46. This was still extremely slow compared to the 39.9 percent growth rate in Beaufort County to the south, which was the fastest growing of all South Carolina counties from 1990 through 2000. Because success in the ACE Basin was readily accomplished, but adjacent Task Forces faced much greater difficulty in gaining ground on conservation, ACE Basin Task Force members and allies have turned to statewide comprehensive planning efforts, and have become more involved in urban planning, infrastructure, and transportation issues.⁶⁴ Anne Deane describes how the Defenders has evolved:

In the beginning it was protect waterfowl, protect habitat, endangered species kind of thing. But we also realized that the sprawl that moves out into the countryside is really often people moving away from bad cities, development problems in the cities that make cities dysfunctional or unlivable... If you want to take functional vibrant rural areas that are productive and include wilderness habitat, you also have to make sure that the urbanized areas are great places to live and that they work... We do that with a vengeance. And we do it by micromanaging infrastructure... We have to address public policy issues that deal with where roads go, water, sewer, and other major pieces of infrastructure that drag urban sprawl behind them wherever they go. (Interview with author, October 2003)

Similarly, Travis Wise, Director of Land Protection at the Downstate Conservancy, describes the second and third waves of responses that have characterized the Downstate Conservancy's activities, starting after the first wave in the mid-1980s with a NIMBY reaction to a particular project:

Once the knowledgeable people and the leadership of Charleston saw what was going on, they began to relate that to their country properties and many

⁶³ In 2000, 28,230, or 73.8 percent of the population of Colleton County lived in rural areas, while 10,034, or 26.2 percent lived in urban clusters. There are no "urbanized areas" in the county. In South Carolina in 2000, over 60 percent of the population lived in urban areas, with less than 40 percent in rural areas (<http://www.sccommunityprofiles.org/urban.asp? COUNTYID=15>).

⁶⁴ One example of how these larger concerns have grown out of concern for the ACE is the contention over the widening of the ACE's main highway, which has seen a steady increase in traffic fatalities due to increased passenger and truck traffic between surrounding urban areas.

of them did have property in the ACE or on Wadmalaw or Edisto or somewhere so they started saying, “Well, if it works there, why won’t it work here?” So that began in the late eighties and around 1990 there were a lot of easements that were taken that were on larger farm tracts—much less pressure from development, but much more acreage was accomplished. The third wave, I look at as sort of coming back to the battle line, the concentric circle around the city. And we did a lot of work on Wadmalaw, Johns Island, the East Branch of the Cooper, Mt. Pleasant and those areas that form the urban growth boundary, the sprawl boundary. Because people began to see that we had to draw the line somewhere. (Interview with author, November 2003)

The strategic move of the ACE Task Force members towards managing the impacts of urban growth on rural areas is relatively intuitive for those who have followed the trajectories of the environmental movement over the last thirty years.

The Task Force members’ efforts are not limited to trying to control urban growth and preserve rural areas, however. Members and allies have begun to recognize the environmental justice ramifications of preserving land in rural areas, and have started a “fourth wave” of conservation more focused on helping impoverished rural communities of color to balance growth and economic development with conservation of natural resources—a highly serious issue for a state that ranks last or close to last in social health indices like infant mortality, SAT scores, and (first in) traffic deaths. Travis Wise describes how conservation efforts relate to this shift in priorities:

The fourth movement, which will start now and go into the future is very clearly going to be going way out of that concentric circle and looking at agricultural and timber lands that are on the fringes of the development pressure now, but will come under pressure sooner or later. And the great thing about that movement is you can get so much more bang for the buck. You can do a thousand acre easement in Jasper County for the same effort you do fifty acres on Edisto [a coastal island in the ACE Basin]. So there’s an economy of scale there and look how proud we’re going to be of ourselves ten years from now when the pressure does come and it’s a done deal. (Interview with author, November 2003)

Anne Deane describes how the Defenders’ efforts relate to the needs of rural communities:

The thing of note is how we have taken to heart the importance of community and livable community and in the beginning, we were fish and birds and tree people. We came together for the state's habitat, but what we've learned over the years is there are a lot of rural communities, mostly African American, but a lot of historical rural communities in the rural areas, and everything bad that happens to rural areas and habitats in rural areas also happens to people. So we make working with the community absolutely as integral a part of every project we do as working to protect the river or working to protect the forest. (Interview with author, October 2003)

The expanding interest in rural economic development and social issues like discrimination has been an outgrowth of the consequences of a conservation program run largely by and for elites. Many of the consequences of the initial regionally-focused program have been unintended, such as the adaptive strategies of developers and increased development pressures on areas outside Focus Area boundaries. Task Force members and allies have attempted to respond to these consequences in turn with more and more comprehensive consideration of the issues involved in conservation planning. This has meant an increased focus on coordination of conservation efforts statewide, and a concomitant interest in biodiversity and issues not strictly related to conservation acquisitions, such as the social and environmental health of urban and rural communities. As the Task Force has matured, its members have become more involved in insuring that conservation in the ACE does not induce development elsewhere, by replicating the Task Force model in five other focus areas that cover the entire coastal region. In addition, SID has been instrumental in passing legislation for prioritized approval of development areas—essentially a voluntary model of the compulsory MSCP process where development in approved areas will receive fast track permitting and little opposition, while development projects in areas designated for conservation will have great difficulty getting approved.

While based out of a highly-unique area in the Lowcountry, the members and allies of the ACE Basin Task Force have expanded their efforts exponentially from that implied by the 350,000 acre “Focus Area” with which they started in the 1980s. Not only have the members

extended the Focus Area model to the entire coast, but they have also tried addressing the root issues driving development, including poorly-planned urban and rural growth and economic inequality. In order to coordinate these far more ambitious efforts of comprehensive statewide conservation planning, the Task Force has not strayed from its decision-making structure, despite the level of increased coordination required by dealing with forty-six county-level governments and state-level agencies and organizations. Instead, they have stuck with the major players of the ACE Basin Task Force, preferring to maintain tight control over their connections to state-level decision-makers. In fact, not only have they assisted in legislation for state-level conservation funding, they managed to get the original ACE Basin Task Force Chairman nominated to control the disbursement of state conservation bank funds. The turn to comprehensive planning has expanded conservation efforts beyond the ACE, employed tools to map conservation priorities according to species and ecosystem data, and engineered government support of conservation, all while maintaining and expanding the “moderate” consensus for land conservation for traditional uses through private, voluntary strategies.

Changing Public Discourse Instead of Local Institutions: Ad Hoc Regionalism in an Age of Reactive Territorialization

We might expect an informalized elite regime to be especially effective at generating social capital benefits of the “bonding” sort, since Stone’s theory of urban regimes is based on sustainable interactions and capacity to act effectively (1989). As Cox notes, growth coalitions are defined by their ability to “maintain or increase the flow of value through local social relations” (1999, 21). The Task Force’s ability to use cooperation within their tight circle to increase cooperation among environmental groups and cooperation among agencies yielded particularly effective results, as described above. Because they almost entirely avoided dealing with local jurisdictions, however, Task Force members’ relationships with

Lowcountry cities and towns were much more tenuous, and they were less effective at advocating for regionalism when demands for conservation created increasingly fractious interjurisdictional politics, as might also be expected. But the Task Force was at its most effective when amplifying the debate in the Lowcountry at large about conservation as a public good worthy of investment. As such, growth machine theorists' most common criticism of urban elite coalitions is not that their largely informal alliances, backstage networking, and coordinated decision-making are not effective at generating social capital, but that their methods cannot possibly be oriented to diversified public benefits of the "bridging" sort that evolved through fifteen years of collaboration in the ACE Basin. Those who study growth machines and elites tend to ascribe intensified growth for private benefit as the only possible motivation for urban coalitions. William Domhoff asserts that this is true despite some token cases of conservation: "true enough, developers and landowners sometimes have to settle for lower profits and rents, or agree to set-asides and linkages... but their primary goal is always to increase land values and rents through the intensification of land use" (2006, 49).

Critics of the conservation machine thesis would argue that the conservation coalition does not represent a true challenge to urban regime theory, in which habitat protection might "vitalize" against unlimited growth but does not provide a credible alternative to its larger ideology. Domhoff asserts that growth coalition theory predicts that "middle-class progressive regimes seek neighborhood and environmental protections and amenities," but that even so, these are "relatively infrequent, and can be explained in terms of an unusual combination of factors, such as the injection of left activists and/or environmentalists into a city" (2006, 49). The claim that elites' preferences are rigidly focused on growth stands in contrast to the claims of Stone, who argues that urban coalitions vary depending on context and that elite preferences are adaptive and formed in the process of coalition-building (2006,

29). Stone's argument in fact parallels that of empowered deliberative democracy theorists, in the sense that he believes elites are just as capable of modifying and changing their preferences through collaboration and informed discussion as non-elites. The remainder of this chapter addresses the issue of whether or not the maintenance of the conservation coalition produced substantive social capital benefits and preference changes in the larger community that accrued to genuinely public interests. In fact, I argue, the coalition has produced public consensus on the appropriate course of action not through reasoned deliberation, but through framing the issue in ideological terms and using vehicles of growth machines like the local press for alternative ends. While arguments about keeping out outside developers and maintaining the sanctity of the Lowcountry region had genuinely public-spirited results, they were not achieved through democratic means—nor were they substantively candid about the root causes of growth. The final section of this chapter discusses how to reconcile theorists' claims about the virtue of means with their assumptions about the ends such means will produce—and of course, the underlying question of who is most appropriately involved in determining those means.

Generating Vertical Support from Government: Balancing the Benefits of Collaboration with the Challenges of Maintaining a Focus on Results

Task Force cooperation has overwhelmingly been used to pursue support from higher levels of government. As discussed in the preceding chapters, agency officials at higher levels of government are extremely receptive to the idea of partnership (Koontz 1999a), and members of all three regimes were acutely aware that they could use their cooperation to generate legislative support and financing. But they also weighed the support they could gain by partnering regionally against the diminishing returns of proliferating partnerships. While the Nature Conservancy and Downstate Conservancy spearheaded an effort to replicate the

Task Force model up and down the coast, the leaders of the ACE Basin Task Force have gradually attempted to do larger-scale conservation planning by skipping regional-level or landscape-scale conservation efforts and instead just moving the networking within the Task Force to the state level. Molotch asserts that “the governmental level where action is needed is at least one level higher than the community from which the activism springs” (1976, 311), such that “the outcome of this mobilization around government is a nesting of communities of growth elites at different geographical scales” (Jonas and Wilson 1999, 6).

Competition among multiple regional-level Task Force partnerships did not produce the coordination that ACE Task Force members were seeking. Anne Deane describes how the replication of the Focus Area model within the state has been a challenge: “They have a Task Force for five different focus areas, and I think my favorite thing Vincent said is that, ‘If you have five focus areas, then you’re not focusing! It’s the opposite of a focus area. You don’t have a focus area.’ Then what they did was they made a focus area for the whole state, and he was right, because they’re not working perfect” (Interview with author, October 2003). Will Reidel describes how the ACE Task Force and Vincent Stegall, the head of Sea Island Defenders, have taken the ACE efforts statewide in the South Carolina Landscape Mapping Project, a key partnership that laid the foundation for prioritization of projects by the South Carolina Conservation Bank: “The ACE Basin group, which is the same damn group as we all, plus Vincent Stegall, essentially got together and did a vision for the state. The truth is rather than create new Task Forces, this Task Force can think broader and do a statewide vision, and this has been pulled out” (Interview with author, August 2001). Whereas in San Diego, coordination of efforts across counties and regions ran into trouble with so many overlapping layers of governance, coordination of conservation projects in the South Carolina case initially ran into similar problems with the lack of focus induced by multiple “landscape-scale” projects. As a result, the ACE Basin Task Force members leapfrogged the regional-

level approach that had worked so effectively in the ACE Basin in order to construct a vision for the entire state based on the efficient elite networking of the ACE Basin model. The ACE Basin Task Force members were uniquely positioned to reap the benefits of enthusiasm for partnerships at higher scales of government.

As in the San Diego MSCP and the New Hampshire GBRPP, the ability of the partners in South Carolina to work together and lobby for funding as a group has assisted them in finding matching dollars and gaining recognition from national-level representatives and agencies. Anne Deane describes a visit from Mollie Beattie, Director of USFWS from 1993-1996:

All ships rise with the tide and... a healthy Nature Conservancy and a healthy Ducks Unlimited and a healthy Sierra Club makes the entire conservation community work well, and there is a cooperative effort in this state that I have heard is unusual and I can give you one example. When Clinton was president, his first head of the FWS... had been all over the nation meeting with conservation groups and she came here and knew that a lot was going on and she said, "I don't know what is in the water in South Carolina, but what y'all are doing there is phenomenal." (Interview with author, October 2003)

In order to compensate for their exclusive participation structure, the ACE Basin Task Force focuses on generating the results that will yield positive recognition not just for the Task Force, but for politicians and agencies as well. Task Force members note that public recognition of the "positives" of partnership do not have much to do with the substantive requirements of partnering on an ongoing basis. When the Task Force members' cooperation creates positive publicity, it is a "win" for everyone, regardless of individual contributions. Nevertheless, they are extremely skeptical about the benefits of proliferating partnerships, specifically because they are a drain on the resources of individual organizations.

Philip Rhodes describes an event that the Task Force organized for their fifteenth anniversary, which reinforced the political support for the partnership:

We had the director of the National Wildlife Refuge system come and speak on the occasion of the hundredth anniversary of that system, and in attendance was Senator Ernest Hollings, who's been a huge supporter, and Governor Mark Sanford, so we had the Governor, the Senator and the Director of the U.S. Fish and Wildlife Service... Those are some of the things that we've done. And all of those people have participated, see it's kind of a cycle, because we're reinforcing them and getting more nice little tokens, I mean gifts, and thank them for all their support and displayed all the positive things that their support has helped to accomplish, which reinforces that support. Right, I mean, politicians want praise. They want positives. They don't want negatives. I think that has been helpful. (Interview with author, October 2003)

Will Reidel describes how the positive publicity for the Task Force's accomplishments has benefited the participating groups as well, who have learned that their association with the Task Force yields results beyond their individual contribution:

I think they've evolved where they understand that they're a part of a success story and it isn't what they did as an individual, much like a team sport. We won! You get just as much pats for an assist as you do for a dunk, and a lot of it requires a cooperative effort and people have learned that from a financial and a fundraising effort, people don't say, "Well, you know, what did you contribute?" They understand that it's a part of a major contribution and they get a lot of recognition and they've learned, and it's built. (Interview with author, August 2001)

The ACE Basin Task Force has clearly capitalized on their collaboration in order to gain public recognition and support from higher levels of government for their activities. This has yielded the same enthusiasm that the MSCP and GBRPP have also been able to gain from legislators and agencies eager for cooperative partnerships.

However, the ACE Basin Task Force also cultivates politicians and agencies by celebrating those entities' contributions to their own efforts, in effect taking their accumulated social capital one further by sharing the positive proceeds with those entities on whom they depend. This is a strategy not utilized as often by the Great Bay Partnership, which is more dependent on a single source of funding from Senator Gregg,⁶⁵ and which tends to be more

⁶⁵ Certainly Gregg has generated plenty of positive publicity for himself via the GBRPP in public events outdoors celebrating individual acquisitions. The Partnership eagerly goes along with such events, but

publicity shy and more apt to hoard social capital among the Principal Partners instead of sharing recognition with in-state organizations, as described in Chapter Four. In New Hampshire, the Partnership typically leverages social capital earned through their outreach to local communities in order to gain valuable local information and contacts. In South Carolina, the conservation machine leverages social capital not just for local information as in the New Hampshire case, but for influence and advocacy for funding on the national and state level, like the growth machines it imitates.

Rhodes describes a typical situation where Task Force members offered such support:

You know everyone goes around the room, one after the other, and they all talk about what they're working on, and then exchange of information, and "What can we do to help you with your situation?" And then it comes back to help the other partner at a later point in time and I'll give you a good example. If the Fish and Wildlife Service wants to have some money to fix up the antebellum house that they bought on the Grove [Plantation]. They can't talk to their legislators about that. So then the other Task Force members get busy and they make that happen and they get their money. So the house gets fixed up and the ACE wins. It's got a home, and headquarters [for FWS staff, and TNC/DU offices], and place to be. So then we get ready to have a landowner appreciation event, which we try to do every two years, and well, they're happy to put themselves out to clean their place up and staff it for the party at no cost or low cost to the event. So that's how it plays back and forth. (Interview with author, October 2003)

While members work behind the scenes as board members to make sure organization staff are not becoming overly competitive, they also chip in to help agencies that cannot advocate for themselves, and see collective benefits from strengthening the resources of individual organizations and agencies. This requires considerable behind-the-scenes work, according to Philip Rhodes:

Real key things especially with the federal government but also with the state level is they can't lobby, each department is not allowed to lobby their elected officials, but the other Task Force members do not suffer those restrictions. DU is very organized, TNC is very organized, a lot of these

it is notable that these are typically organized and executed by Gregg's staff rather than by the Partnership.

significant private landowners who have participated are putting their money where their mouth is with these politicians and they support them and call on them. So the partnership is what makes it all work. It wouldn't work if DNR just decided they were going to take a big stake in the ACE. It would never work. But as a partnership, it can work because we're helping them get federal dollars programmed down and we're lobbying the governor and the legislators to support DNR's acquisitions and to hire the right people in the agency and promote the right people. (Interview with author, October 2003)

The public-private cooperation within the partnership in South Carolina is employed for typical uses such as getting around restrictive regulations or bureaucracy. But whereas the MSCP in San Diego felt helpless to control the turnover among agency officials, the ACE Basin Task Force worked its connections in state-level bureaucracy by advocating for promotions and appointments. Some turnover has also been positive, as when former executives of Task Force member organizations have moved up to national-level executive positions, and can advocate for the project in a new agency or organization, or even the NAWCC.⁶⁶ These strategies have created a strong network of federal and state favoritism of the ACE Basin over other watershed regions.

Task Force members have also been key figures in passing legislation for state-level financing and developing sophisticated private sector financing structures. In 2001, Charleston Representative and Republican Chip Campsen introduced legislation to the South Carolina State Legislature to establish a "conservation bank" funded by deed recording fees similar to that in thirty-one other states. The South Carolina Conservation Bank Act was authorized by the General Assembly and signed into law by the governor in 2002. In typical fashion, those national and local conservation organizations that had organized support for the bill had managed to gain endorsements from the SC Association of Realtors, the SC Realtors Land Institute, the Palmetto Agribusiness Council, the SC Chamber of Commerce, the SC

⁶⁶ A prime example of this is the case of Sara Tanguay, formerly an employee of Downstate Conservancy and a chairwoman of the SCDNR board, now working at the Land Trust Alliance in DC and serving on the NAWCC Council that awards NAWCA grant funds.

Small Business Chamber of Commerce, the Charleston Trident Chamber of Commerce, the SC Farm Bureau, and other politically conservative organizations (South Carolina Conservation Bank 2005). With his experience in banking and real estate, Will Reidel was an ideal leader for the Conservation Bank, and handed the reins at the Task Force over to Rhodes in order to become Chairman of the Bank's Board. Although the Bank was funded to support acquisitions in all areas of the state, the Bank adopted the NAWCA filing periods as its standard deadline for grant applications for the first year—clearly an attempt to coordinate state and NAWCA match funding for large wetlands projects for which the Task Forces on the coast could readily apply as soon as the fund was operational (Davant 2004).

In addition to developing state financing and assuming leadership positions in the resulting conservation bank, the ACE Basin Task Force and its members have also been key in developing regional conservation financing tools like the one that MSCP Working Group member jurisdictions had so much difficulty developing in San Diego. This sophisticated level of capacity-building through new institutions that can provide local-level match for state and federal government projects is far beyond that exercised in the San Diego or Portsmouth conservation landscape, where national organizations like the Conservation Fund, the Trust for Public Land, and TNC are typically entrusted with the nuances of transitional financing and sophisticated loan-making. In spring 2003, Charleston's local community foundation announced the development of the Lowcountry Conservation Loan Fund. This Fund was initially seeded with money from the Merck Family Fund and the Gaylord and Dorothy Donnelley Foundation, and was intended to provide below-prime interim financing to pre-approved conservation groups (Lewis 2003). The advantage of such a fund is that it allows conservation groups to react quickly to acquire significant properties and then to assemble other sources of funding and political support over the course of the two-year loan. As the announcement in the community foundation's newsletter states, "If developers can borrow

money to develop land, why can't conservationists borrow money to preserve the land?"

(Lewis 2003, 1).

The Task Force members' ability to use their partnership in order to facilitate support from higher levels of government has provided benefits both to the partnership and to their supporters. But Partnership members clearly distinguish the importance of generating vertical support from within agencies with the unreasonable expectations from upper-level administrators or politicians that more is more when it comes to partnership. With all of the newfound enthusiasm for public-private partnering from federal-level agency administration, Kathy Walley at FWS Headquarters in the ACE relates the pressure to do as many partnerships as possible: "When you're trying to do partnerships, partnerships is the key word, and the more partnerships you can get, the better it is" (Interview with author, August 2001). Nevertheless, as Walley admits, "Oftentimes the more partners you have, the less you get done. And though it looks good on paper, you don't get anything accomplished" (Interview with author, August 2001). Like agency officials Veronica Tanner in San Diego and Allen Sperling in New Hampshire, Task Force members note that enthusiasm for formal partnerships had to balance the inclusion of unusual suspects against the liabilities of meetings and collaborations for their own sake. The expansion of the Task Force into parallel efforts in four other regions seriously taxed the resources of even the higher capacity in-state groups.

While ACE Basin Task Force members are aggressive in promoting their cooperation, efficiency, and lack of infighting to those controlling the purse strings at the federal level, they are also highly conscious of retaining the integrity of the partnership on the ground. Like Angela Bernstein, Travis Wise acknowledged that Countywide Conservancy worked more easily with like-minded groups outside the quarterly Task Force meetings: "They flip us projects, we flip them projects, I'm on the phone at least three or four times a week with their people... I got to tell you, it's the people who are working with private landowners on the

local level who are more like us that we get along with better” (Interview with author, November 2003). But conservationists in the Lowcountry largely agreed with Tanner’s and Sigler’s assessments that it was critical to go beyond the usual suspects in order to make things happen. Anne Deane describes why her organization pursued unusual partners in the South Carolina Landscape Mapping Project: “When you have a network like that, whatever your goal is, you present it to the public with a larger force behind you, it just doesn’t look like the usual suspects, and it’s not just the Sierra Club, the Audubon Society, the League of Women Voters and the Sea Island Defenders. Oh yeah, what else is new? When you pull in a network, you maximize the chance that your initiative will succeed” (Interview with author, October 2003).

Travis Wise of the Downstate Conservancy describes how enthusiasm for regional partnering projects resulting from the success of the Task Force caused many organizations to lose critical focus: “We did tend to get ahead of ourselves as far as all the projects and partnerships and things. Some good things came out of it. But some things came out of it that were redundant and wasteful of time and resources and that always happens when you have partnerships because you’ve got a lot of people doing the same thing” (Interview with author, November 2003). Wise describes how replicating the Task Force model throughout the coastal area was a good idea in theory but has tested the resources of his group for little concrete benefit: “We’ve got the five Task Force areas... and that’s all wonderful. But that’s a Task Force meeting for each one of them, times every quarter. That’s twenty meetings a year, takes a whole day, so that’s twenty working days a year that somebody’s got to go sit and pay homage to—The ACE is invaluable, they hit home runs, we get a lot done... The rest of them... nothing happens” (Interview with author, November 2003). Many interviewees quipped that the proliferating partnerships were “the same people sitting at a different table.” Task Force members may have taken more advantage of the recursive benefits of enthusiasm

for partnering from higher levels of government by sharing the “positives” with high-level officials, but, like their peers in the other regimes, they grew skeptical of the virtues of partnership for its own sake.

Mobilizing Community Resistance to Growth: Changing Public Discourse by Diminishing Perceptions of Contention and Advocacy

Local conservationists used their cooperation to change the predominant discourse of land use politics in the Lowcountry, but they did not do this by increasing participation in Task Force activities or by building new institutions for local outreach and coordination. Before understanding how the Task Force members mobilized consensus against growth in the rest of the community, it is necessary to argue against the growth machine theorists’ assertion that conservation is ultimately merely a way of making growth more palatable in “progressive” contexts. The most immediate argument against this assertion is the fact that the conservation machine in South Carolina operates in an environment that is hardly permeated by progressive viewpoints, let alone “left activists” or Bay Area environmentalists of the sort Domhoff describes. But is conservation simply in the short-term interest of elite landowners because of loopholes in the law that ultimately hurt the local tax base? Elite landowners certainly benefit financially through conservation.⁶⁷ Landowner tax write-offs on easement donation occur in most Task Force projects because of the wealth of landowners in the region, and this means the Downstate Conservancy can leverage their funds since they do not buy easements. However, the tax benefit landowners receive is a pittance compared to the profits that they could make developing such large properties, and the damage to the regional property tax base from transfer of property into public hands (with its accompanying use

⁶⁷ The fact that so many landowners have chosen conservation (lowering the resale value of their own properties) has stratospherically increased the value of properties not yet conserved. Evidence of the desirability of real estate in the region can be gauged by a quick survey of real estate ads in the Sunday edition of the *New York Times*.

benefits) is equally minimal, given the costs of development infrastructure for water, sewer, and schools in the area.

Have conservation interests simply been co-opted by developers to an extreme degree? After all, many of the foremost members of the regime are in the real estate business—are they simply easing the path of their own development work by establishing friendly relationships with environmentalists, while conserving habitats and viewsheds on their own properties? Conversely, one could argue that conservation organizations, by virtue of their land purchase, transfer, and management practices, are in fact, developers of a different sort; a public official quoted by Richard Hogan states, “The Nature Conservancy and Audubon actually become developers [when they have conservation and preservation projects], and there is a real awakening. They become effective players. When they take on a project they come to realize that they are developers” (2003, 100). It is certainly true that conservation itself can contribute to economic growth, as demonstrated by the lawyers’ fees generated by easements, the increase in property values just outside ACE Basin preserve boundaries, and the national “branding” of the Lowcountry as an ecotourism destination, which produces growth through tourism dollars. Travis Wise of the Countywide Conservancy asserts that in fact, there are few professionals on the coast who have pursued conservation as a business proposition:

The tax attorneys, the environmental people, the accountants, CPAs, the appraisers. You know what real estate’s done on the coast of South Carolina. I can name on one hand the appraisers I trust to do a conservation easement appraisal—on the entire coast. There are probably a hundred appraisers in that area, we’ve been here twenty years, and only five of them know how to do this... They’re not going to take the initiative to learn on their own because it’s not that high a percentage of their business. (Interview with author, November 2003)

It is true that the Task Force accepts a wide variety of traditional uses, including some limited addition of housing on easement properties.⁶⁸

But as Wise asserted above, the conservation regime in South Carolina is not in the business of selling conservation as a beneficial companion to development, as in other regions where conservation has become a selling point for “green developments.” The regime does have a civil relationship with local developers, which facilitates the sharing of information about potential developments and conservation opportunities. This relationship serves to defuse potential areas of contention, but the current state of friendly relations with local developers is based on the stunning success rate of the conservation advocacy organization in winning lawsuits against local governments and developers. The conservation regime promotes smart growth within the urban core, and developers routinely seek out the advocacy organization for approval of potential development plans, and will make revisions in order to gain the groups’ agreement not to sue. In this sense, the conservation regime produces more coordinated regional planning than occurs at the county level, and has forced developers to abide by much stricter rules for siting, number of allowable units, minimum acreage, and project design than the available legislation and county planning guidelines allow.

Deane describes how her organization can “make trouble” for developers: “The other thing [the success rate] does for making us an effective conservation organization is there’s a lot of entities and individuals out there who recognize that if they want to do something, they don’t want [us] to cross them” (Interview with author, October 2003). The Task Force and the larger conservation regime may claim friendliness with the local development community, but this is largely in part because their record speaks for itself as a pre-emptive threat, according to Philip Rhodes: “The Task Force at this point has an ability to cause a humongous amount of

⁶⁸ This typically includes provisions for the building of one or two structures in addition to the existing structure, in the event that owners’ children would like to build on the property.

trouble for somebody... I mean if you were Sun City, you wouldn't want to mess with the ACE unless you really had a lot of time and patience, you know, because you just, it just would be easier to go forty miles up the coast where there isn't the ACE and do it right there, I think" (Interview with author, October 2003). As such, the conservation community in South Carolina is not a likely candidate for cooptation—and the lack of corporate Task Force members despite their extensive philanthropy towards local conservation organizations is prime evidence of this. MeadWestvaco has "earned" a place at the table because of substantial land donations, but Georgia Pacific, another company heavily invested in the region, is not a player. Ultimately, regime members interpret conservation versus development as a zero-sum game. Phillip Rhodes describes the stakes involved: "The population as a whole loses if they consume all of their land. They lose something very valuable and irreplaceable, utterly irreplaceable. There is no going back. It's a one-way trip" (Interview with author, October 2003).

In terms of the argument that the conservation regime is promoting conservation in its own region only to facilitate development "forty miles up the road" (this statement demonstrates the conservation regime's nearly perfect inversion of the goals of growth regimes to compete for growth against other regions), Task Force members have actively recognized increasing development in the surrounding areas as a threat to their overall mission, despite the fact that the ACE region is now permanently off-limits to developers. Will Reidel has subsequently chaired the statewide conservation bank in order to focus attention on conservation projects outside the ACE. Nevertheless, does conservation really have as much ideological heft as growth? Given the extent to which conservation activities mimic development, and the fact that conservation entities are not strictly "no growth" in their orientation, are the two ends really so opposed?

This section describes the extent to which conservation—explicitly framed as opposition to growth—has become a structuring ideology of civic engagement in the South Carolina Lowcountry. That this change in discourse has been achieved demonstrates a striking third order effect of the Task Force’s success in the Lowcountry, but most likely not the kind of change in discourse that Innes and Booher would applaud. High-capacity environmental groups in New Hampshire challenged locals to think beyond xenophobia and pretty landscapes, while equivalent groups in the conservation machine in South Carolina more frequently relied on locals’ fears of outsider interference and homogenization of local culture to garner support for their projects. While they were successful in foregrounding local concerns, they also were far more publicly indulgent of local myopias.

The chief vehicle for publicizing Task Force activities has been the Charleston newspaper, the *Post and Courier*. Because of the activities of regime members, conservation rather than growth is naturalized as “a background assumption of civic life” (Molotch 1999, 249) in the community. Sea Island Defenders and Task Force members, especially the Countywide Conservancy, have all made active use of the local press, and have developed ties with the editorial board similar to those cultivated in growth machines. Conservationists like Anne Deane of the advocacy organization see the press as a valuable ally: “People in this state are interested in what happens to the land. There are times when we’re in the newspaper three times in one day; sometimes we’ll be in three times in one week. We are in the newspaper quoted, one of us is being quoted or managing an issue or doing something,... we are all over the media” (Interview with author, October 2003). Whereas critics of growth machines claim that newspapers support growth coalitions because their activities contribute to ad page revenues, the *Post and Courier* is strongly in favor of conservation. The publisher of the newspaper, recently deceased, supported the regional conservation organizations through his own donations and those of the Post and Courier Foundation, and his wife served on the board

of Countywide Conservancy (Annual Report 2004). Support of conservation in the news media affords unique opportunities for the conservation regime to control the terms of debate on land use planning in the community.

Not only are groups like the advocacy organization routinely contacted for comment on any environmental issue, but they also craft editorial language and are regularly credited in editorials for conservation “victories.” Anne Deane reports on their unusually close relationship with the media, developed over years of cultivating relationships with long-time reporters: “The reporters all know us and we know them. If we don’t think they’re covering us properly, we’re not shy. We’ll call them up and tell them we’ve got a good story and we want them to cover it. And we’re not shy about proposing editorials and drafting editorials for them and doing op-eds. We’re very aggressive with the media” (Interview with author, October 2003). Why is the ACE Basin able to get such prominent support from local newspapers, when members of the other regimes repeatedly noted a lack of coverage? New Hampshire conservationists even preferred this low profile. This favorable relationship with the press is partially attributable to the fact that the privately-held paper is owned by a family that also owns property in the ACE Basin. On the one hand, the reason why the ACE Basin has gotten so much press is the same as the reason Reidel gave for the proportionately high number of conserved properties in the state: “it just sort of fits the mindset of South Carolinians, and it’s because we promoted it... because we asked for the business” (Interview with author, August 2001). But asking and getting are two separate issues. The conservation community in the Lowcountry has the capacity to devote resources to publicity that are out of the bounds of struggling conservation groups elsewhere, but their “page one” status, as compared to the “page twenty-three” status of conservation acquisitions in New Hampshire, where the regime shied away from publicity, is attributable to their growth-machine-style

relationships with reporters, editors, and publishers, and aggressive strategies for story sourcing and copy creation.

The ACE Basin Task Force claims that its success from beginning to end has been rooted in a perfect match between traditional conservation values and contemporary local sensibilities. This association with local traditions and family connections to the community was starkly different from the largely professionalized GBRPP members in New Hampshire, who respected the old-timer farmers' conservation ethics, but were actually much closer in background to suburban newcomers. Whereas this outsider status made GBRPP Partnership members extremely sensitive to local landowners' concerns, private landowners like Rhodes claim that it is easy to make connections with locals who are, like New Hampshire old-timers, extremely conservative and resistant to state intrusion: "We hark back to the good old true definition of the conservative politician and the root of that conservativeness and the root of true conservation are the exact same if people are true to their mission" (Interview with author, October 2003). In Jonas and Wilson's description of the importance of ideology to growth machines, community reception to visible landscape changes is critical:

More than simply being interested in the material consequences of growth, rentiers want to ensure that the citizenry is receptive in the first instance to changes in their surroundings. With this in mind, the growth machine toils to generate solidarity among growth-receptive interests; to create, in other words, the "community 'we feeling'" that Molotch (1976, 314) viewed to be so essential for uniting locals around the goal of growth. (Jonas and Wilson 1999, 6)

Conservationists in the Lowcountry also cared about generating favorable community reception for their activities, but in their case they wanted to unite locals around the goal of conservation.

However, the "perfect" match between community values and conservationist values that was invoked so frequently required some adjustments on either side. As in New Hampshire and San Diego, the public had limited attention space for the technical issues of

comprehensive conservation. Attitudes towards conservation were in large part determined, just as in growth machines, “through prevailing sensibilities and visions of appropriateness” (Jonas and Wilson 1999, 9). Local conservation organizations engaged their memberships by producing ambitiously-designed, award-winning annual reports and newsletters that showcase the individuals behind conservation efforts—staff and board members are frequently photographed with their children—and the breathtaking vistas that have been conserved. While New Hampshire Partners frequently complained about the myopias of local conservation, the Task Force caters to these unabashedly. Anne Deane describes the importance of selling the organization’s activities as winning and fun: “And so we don’t play down to our members, but you’ll notice our newsletter is very vibrant, a lot of pictures, a lot of color, a lot of people. The image we want them to have is this is a happening organization, having a lot of fun, doing a lot of good work, and kicking ass, and we are. We’re doing all those things. But we also tell people” (Interview with author, October 2003). Small and large land trusts throughout the region have concrete victories that they can publicize in their newsletter, and which are the on-site locations for membership events-- usually oyster roasts and member picnics on conserved properties in the temperate fall. Land trusts like the “Southern Lowcountry Land Trust” (SLLT) make a concerted effort not just to acquire ecologically-significant properties, but also to acquire popular endangered community “habitats” like farm stands. The SLLT also acquires properties with the express goal of protecting viewsheds by tearing down mid-century houses that block views from urban roads—and prominently displays signs reading, “View Preserved by Southern Lowcountry Land Trust.” SLLT fundraising involves providing access to famous conserved properties with celebrity owners by hosting tour events.⁶⁹

⁶⁹ The biggest moneymaker for the organization in this respect is a tour of the Frank Lloyd Wright-designed plantation Auldbrass, currently owned by Hollywood action movie producer Joel Silver.

Increasing membership means selecting to publicize issues that will appeal to potential constituents. Jonas and Wilson describe how growth machines speak “not only of appropriate kinds of growth, but also about who should lead it, what their values should be, what the public’s values should be, and who are the locality’s potential civic and moral saviors” (1999, 8). Conflicts between what conservation machine members and the general public thought were important areas for conservationists to save were reduced by emphasizing the regime’s opposition to powerful and unpopular agencies. Anne Deane describes how SID can pick up new members by capitalizing on collective public loathing of the state Department of Transportation:

Issues are put on our doorstep every day, and the problem is sorting, but in the sorting, if you’ve got one or two issues that will make the public furious. Let me think of an example. Everybody in South Carolina hates the DOT [Department of Transportation], and they hate when the DOT cuts down roadside trees. Now that is a small thing in the realm of things, but we can do those quick and dirty and they get a tremendous amount of publicity, and you would be amazed at how many people will write you a check and say, “I can’t believe the DOT did that and keep up the good work.” And while the person wrote the check for the one tree, what they really mean in their heart is “Stop all cutting of trees, stop all stupid activity by the DOT.” So every once in a while, you’ve got to get that issue that resonates with your public in a public way and use it, and we’re not shy about doing that. (Interview with author, October 2003)

Whereas environmental activists in San Diego were primarily focused on using individual endangered species to fight specific projects, conservation organizations in the Lowcountry cultivate relationships with developers on more complicated land management issues, while selling their successes with occasional “one tree” issues to the public.

Selecting for issues with appeal also means playing down or avoiding projects and initiatives that are unappealing. Anne Deane notes that resonance drives SID’s strategy:

The thing about staying around for the long haul is making sure that you have money. One thing we have done is you have to inspire people to want to be a member. And even though land use planning and zoning and sprawl is where it is for us, it is so incredibly unsexy and hard to understand and doesn’t resonate with the public, but then there are some big issues that are

really perfectly clear and egregious. But what we do is we go ahead and maximize exposure on the sexy issues, and we apply for the grants on it and build up the membership on it. (Interview with author, October 2003)

Deane's position on the relationship between issues and ideals is blunt: "We're not so idealistic that we go out of business... Can we also continue to maintain the organization if all we do is slog around on researching whether the DO [dissolved oxygen] is the right level in this lake or not? If you can still get your members, more power to you!" (Interview with author, October 2003). The more that conservation is framed as preserving local culture and local land uses from big government and homogenizing forces, and the less it is framed as a technical issue of ecosystem management, urban planning, or regulation, the more support conservation groups in the Lowcountry can gain for their efforts. Playing to local enthusiasms also involves being pulled in the direction of projects that may be popular, but relatively minor or incremental.

Claiming an allegiance to traditional conservatism and "traditional uses" is critical for Task Force members hoping to win over their duck-hunting, timbering, Republican neighbors. Philip Rhodes avows, "I'm very much progrowth, you know, I'm on the Chamber of Commerce board in Charleston" (Interview with author, November 2003). Reidel likewise maintains his allegiance to Republicanism and professes ignorance about why Republicans would be more likely to favor development under the current administration: "For some reason Republicans, which I still don't get, are not very environmentally motivated or something. And I would consider myself a pretty firm Republican but that part of their platform, for some reason they feel like they need to exploit it all, it's all about consuming it or something" (Interview with author, August 2001). But such avowals of commitment to growth given the powerful positions Rhodes and Reidel hold in the conservation community should be viewed just as skeptically as the Habitat Conservation Coalition's developers' claims about their commitment to endangered species habitat conservation.

The trope that has enabled Task Force members to pursue and win over reluctant conservatives while not threatening Republican values is their assertion that the problem with development is that developers are outsiders who threaten the self-determination of local residents. This contrasts with the predominant attitude in New Hampshire that it was suburban migrants from Massachusetts (“Massholes”) who were causing sprawl. While visitors from Ohio, Florida, and New Jersey frequently become permanent residents, the southern myth of hospitality and the Lowcountry region’s reliance on the tourist industry makes tourists a popular, but complex target for criticism. Instead, conservation groups in South Carolina routinely frame the cause of sprawl as greedy, two-faced developers unwilling to play by the civil local rules “native” developers and conservationists have mastered. Letters to the editor in the *Post and Courier* frequently invoke this trope. In response to a subpoena from a development company, a landowner wrote: “Is it any wonder that my family and our neighbors, many of whose families have lived on their lands along the Ashley River for decades and even centuries, do not welcome the owners and would-be developers of Watson Hill with open arms? These bullying tactics in pursuit of a quick buck to be spent in New York or Kansas City do not encourage us to roll out the welcome mat” (Carter 2005). This tack has appeal for allies in the local real estate brokerage community, and turns the predominant ideology of growth as civic duty on its head.

A recent plan for a large-scale development opposed by SID prompted a high-profile backlash from local residents. Letters to the editor continually reference that the developers are “from off,” a local colloquialism for outsiders:

Why does a developer want to build another Kiawah in the Ashley River Plantation District?... The Lowcountry is under tremendous development pressure, and mostly by folks “from off”... It’s time to come together on a regional plan that puts into place strong guidelines to ensure the preservation of our rich historical, cultural and natural heritage. (Clark 2005)

The people who want to develop Watson Hill don't live here, do not care about the scenic Ashley river corridor, don't care that the developers have caused stress, tension and anger. (Ebel 2005)

The Watson Hill development is just wrong, wrong, wrong.... It's just wrong for people "from off" to be the ones making decisions on our future. (Schaber 2005)

Developers who have no love or respect for the natural, historic and scenic areas of Dorchester County should not determine the destiny of our part of South Carolina. (Tomayko 2005)

I implore the County Council to do everything in its power to ensure that this treasured Ashley River area is not destroyed by mega-millionaires who live in Kansas and New York and simply want more millions. (Hartley 2005)

Since growth machines have traditionally been structured to benefit local growth interests by attracting outside investment, it's not surprising that the Lowcountry conservation machine, with its contrary orientation, opposes outside real estate development as an unnecessary intrusion into regional economic development. Outside developers are much harder to control, more used to dealing with conventional environmental adversaries, and less concerned with long-term dealings in the community. Portraying developers as looking to make a quick buck to take out of state appeals to all those whose local boosterism is offended by the cutthroat deal-making and government giveaways of interstate real estate development.

The regime members depict conservation as the civic duty of local property owners and elites, and real estate development as a business of outsiders and interlopers. Portraying environmental values as a match with local values requires some careful massaging of organization activities such that they are made to seem appealing to conservative locals. Conservation groups working in the South Carolina Lowcountry scrupulously avoid the stigma of liberal environmentalism and portray their opponents in the development community not as investing outside funds in the community but as taking their profits to far away places with little consideration for local input. Recent critics—most prominently, Nordhaus and Shellenberger (2004)—claim that mainstream environmental groups have failed

to reach out to the public because of their technocratic, shrill rhetoric. Drawing on George Lakoff's emphasis on the importance of framing progressive politics (2004), these critics argue that environmentalists must embrace the nuances of "nurturant" language with broad-based appeal. Almost by default, conservationists working in the Lowcountry have had to frame their activities in literally "homey" terms appealing to conservatives. That conservationists have portrayed themselves as supporters and caretakers of traditional Southern values, homes, and families directly taps into the "creative worlds of myth-making" and religion that Shellenberger and Nordhaus think is critical for reclaiming public support for environmental causes (2004, 34). But just as the language employed by growth machines encodes "a politicized mix of manufactured presences, deliberate absences, contrived caricatures, subjective taxonomies... to hinder and encourage political participation" (Jonas and Wilson 1999, 9), so the campaigns of conservation machine actors are built not on reasoned discussion but on careful elision of uncomfortable discrepancies. While they have encouraged broad-based opposition to growth, this has been built on the idea that certain community stakeholders are privileged participants in local discussions.

The tactics conservationists use are a response to the significant resistance to environmentalism that they face in the Lowcountry. Conservation groups have attempted to cultivate those strains of Southern traditionalism that make conservation a palatable—and even passionate—issue for conservative southerners who treasure their closeness to the outdoors and independence from state oversight and liberal meddlers. This outsider/insider frame has served to generate a substantial undercurrent of public support in a politically conservative region tending to favor private property rights. The *Post and Courier* describes the extent to which the Task Force has been behind widespread public support for land conservation and against sprawl, in the form of conservation bond initiatives, a local greenbelt initiative, and demand for more regional planning: "The success of the ACE Basin in limiting

development has encouraged broad public sentiment on behalf of strong protections for rural lands throughout the coastal region. In Charleston County, for example, local residents have surely been encouraged in their demands that a countywide land-use plan now in preparation protect rural lands from inappropriate development” (Laurie 1999). Turning the public against rampant growth has clearly produced civic benefits of the sort that Molotch and others argue are threatened by growth machines. Additionally, Vincent Stegall of the Sea Island Defenders frames the Watson Hill issue as one that could have been solved with transparency of the sort advocated by Molotch:

The developers of Watson Hill live in New York and Kansas... They have no ties to South Carolina. At no point did they attempt to discuss their plans with the community. Instead, they have consistently delayed and postponed public hearings, attempted to manipulate municipal boundaries to their own advantage, and sent unidentified agents to covertly purchase property on their behalf. (Zwiker 2005)

The Watson Hill developers’ tactics were ham-handed and coercive. But portraying the conservation machine as on the side of transparency and public hearings is a stretch, given the descriptions above about the extent to which Task Force members pursue their decision-making on conservation in exclusive forums and through backstage networking. The broad public support for redistributing public funds for habitat and open space benefits for the entire region has largely been accomplished on the grounds of inflammatory rhetoric and partial truth.

Painting outsider developers, and, to a lesser extent, outsider homebuyers, as the villain of uncontrolled growth is convenient, but this tactic obscures inconvenient elements of past and current land use practices. The immediate cause of the supposed tradition of local land conservation was the preservation of vacation properties by northeastern industrialists when southern landowners abandoned land made useless for agricultural purposes by intensive monoculture. Portraying outside developers as the source of inappropriate development

neglects the fact that local county councils and planning departments wield considerable control over zoning and approval. Most importantly, it obscures the fact that insiders moving to larger houses are largely responsible for driving demand for growth. In a series on growth in the *Post and Courier*, a study of census and IRS data found that:

Despite the perception of an onslaught of people moving in “from off,” Lowcountry residents moving “up” to more expensive houses might be just as responsible for the boom in new home construction and traffic backed up on the road. Migration statistics from the Internal Revenue Service indicate fewer than half the people who moved in the Lowcountry between 1995 and 2003 came from other parts of South Carolina or the nation; more people moved from one home to another in the three counties around Charleston. (Clark 2005)

Emphasizing growth as the fault of outside developers also obscures the role of willing sellers of undeveloped land—in particular, timber companies like MeadWestvaco, the ACE Basin Task Force member that has been divesting itself of large properties in the Lowcountry region. MeadWestvaco was the seller of the Watson Hill tract that the letter-writers above were so outraged about. Interestingly, the comfort with which the Task Force members label outsiders’ interests as illegitimate demonstrates the extent to which the national NGO partners like the Nature Conservancy have been domesticated, or constructed as authentic members of the regional community.

Particularly in the Lowcountry, playing to myths of southern independence and “tradition” brings with it loaded baggage, chiefly the racist and reactionary land use politics of not so distant eras. While “heritage corridors” and other favorite terms of planners may seem benign in other parts of the country, “heritage” has an entirely different meaning in the Lowcountry (and the rest of the South) and is used almost exclusively to refer to white heritage. This is not to condemn the superficial tweaking of language in environmental politics in the Lowcountry, but to point out that theorists who think a hypothetical language of myth or religion will unite constituencies of different stripes seem to ignore the requisite

exclusions that myth and religion also evoke—whether promoted by growth proponents or conservationists. As the leader of dialogue on conservation and development issues, even the *Post and Courier* has affirmed in editorials that locals should be less narrow-minded and open up dialogue with newcomers, many of whom are concerned about growth:

‘I Don’t Want to Hear How You Did It in New Jersey’ is how some parochial Lowcountry residents have decried the influx of new neighbors from the North. At a recent discussion on regional planning, a number of transplants talked about how the Garden State, and others, got it wrong. Their warnings should be heeded by those who object to the idea of gridlock and sprawling development in the metropolitan area. A good percentage of those who attended a regional planning meeting . . . had lived in more developed states, and relocated to the Summerville area for the improved quality of life. To a person, the transplants were concerned about the large-scale growth that is now occurring. The message on Tuesday was for more cooperation among local jurisdictions and more consideration to protect our quality of life. Elected officials in every local government should pay heed. (Clark 2005)

In New Hampshire, large capacity national organizations and local groups like Forestlands Forever frequently challenged local officials, communities, and organizations to go beyond their myopic views of conservation as a stopgap measure of keeping out “Massholes” and preserving pretty in-town properties without much conservation value. In South Carolina, by comparison, Task Force members openly embraced and leveraged locals’ xenophobia, by painting themselves as insiders and developers as outsiders, and by promoting the social and political themes of their conservation over its scientific or biological value. In this sense, they were actually far more sensitive to local concerns than the Partners in New Hampshire, who had painstakingly solicited local input and then proceeded to contest it in practice and negotiate with locals over their preferred projects.

Frequently, sensitivity to local concerns is framed in participation literature as a time-consuming, but worthwhile effort. In the context of South Carolina’s provincialism and conservatism, sensitivity to local concerns was in fact the most expedient option for gaining conservation allies. However, whether or not “sensitivity” to local concerns is laudable in

every case is worth exploring in the context of a comparison of South Carolina's and New Hampshire's partnerships. In New Hampshire, solicitation of local concerns was accompanied by expression of differences by organizations of larger scope, which prompted honesty about the compromises that both sides had to suffer in order to make conservation projects fulfill different value orientations. In comparison, the South Carolina Task Force's emphasis on supposedly perfect value match and equally important and compatible land uses did not allow for discussion or debate on which local uses might have been more important or more sustainable than others. The argument for the politically-expedient option was that it was certainly preferable to the alternative of no conservation, but since these limits were rarely tested except in conversations with individual landowners, it is difficult to anticipate what the market would have borne. As development pressures heightened, claims that landowner, conservationist, and local real estate broker values were complementary prevented discussion of issues of larger scope that would later emerge and become increasingly contentious.

Escalating Territorialism Among Jurisdictions: The Consequences of Avoiding Local Governments

The ACE Basin Task Force, like the Habitat Conservation Planning efforts in Orange County to the north of San Diego, has actively rejected the participation of local governments as a hindrance to efficient private decision-making by elites. This avoidance of local government is consistent with elitist theories that "the relative weakness of American urban governments... is in good part owing to the fact that growth coalitions want them to be weak" (Domhoff 2006, 50), with the corollary that growth coalitions are far more interested in winning support from government at state and national scales (Jonas and Wilson 1999, 6). The conservation machine in the ACE Basin is not different from growth machines in this regard. State and national level decision-makers are the honored guests at Task Force events,

not local dignitaries. Not surprisingly, county and community-level governments are often hostile. Philip Rhodes states frankly, “I would say the county has been largely unsupportive. Both with their regulations and with their pocketbooks. It’s been done in spite of the county” (Interview with author, October 2003). Philip acknowledges that this is not particularly admirable, but that it is unavoidable because local government support proceeds at a much slower pace than land deals:

I mean, I’m just speaking plain, now I know I’m being recorded, I’m just telling you, you know, what I think, is that it isn’t about how people on the outside are thinking, it’s about how people on the inside are working with each other. You don’t get the inside part right, the outside part will never work, and the outside part over a period of time they start to get it more and more and even in [the county] they’re starting to get it a little bit better than they used to. (Interview transcript, October 2003)

In line with their lesser emphasis on inclusion, the Task Force in South Carolina also spends far less time soliciting support from the usual suspects like local governments or environmental groups whose buy-in it anticipates will not be of any immediate help. Despite all the emphasis on socializing in the South Carolina case, there is a particular disdain for deliberating with or involving agencies or organizations just to keep them happy and supportive, because these sorts of forums are seen as venues for the protection and advancement of purely political interests.

In New Hampshire, holding local political office was an appealing route to coping with the sometimes frustrating territorialism of towns. Conservation advocates like Anne Deane in South Carolina see running for office as a fool’s errand, despite her claim that: “Charleston County Council is reprehensible in their behavior, and some of the biggest decisions are made at these county levels because they do the zoning. They can do 5,000 acres at a hit. They can take 500 acres of rural land and turn it into urban land” (Interview with author, October 2003). As quoted in the preceding chapter, Deane describes the “creeping discouragement” of trying but failing to achieve traction in electoral politics: “You

can go home and say, ‘Somebody needs to run for office.’ We’ve had some very good people who ran for office and didn’t make it, and you go back and say, ‘Is this the best use of our efforts?’” (Interview with author, October 2003). While SID, as an ally of the Task Force, is far more involved with local politics than any of the Task Force members, it nevertheless is far less involved in town and city government than Forestlands Forever or the GBRPP in New Hampshire. Interestingly as compared to New Hampshire, the ACE Basin Task Force does not see local governments or planning officials as important allies. While the GBRPP anticipated resistance from local governments, they contacted them to pre-empt a backlash and ended up getting enthusiastic responses. Professionals in NGOs in New Hampshire also made organized attempts to assist conservation commissions in local governments, and earned appointments to conservation and planning commissions. The ACE Basin Task Force members have avoided attempting to win over local planners and leaders who do not support their efforts, and as a result, support from local governments has been slow in developing.

Despite the vaunted civil tone of the conservation machine’s dealings and their close relationships with the development community, the politics of development in the Lowcountry has escalated into increasingly adversarial sparring. Not surprisingly, this contention has largely been driven by the local political leaders generally left out of conservation machine dialogue, with mayors of competing cities and county councils fighting over annexation, and developers taking advantage of the lack of regional planning and uneven economic landscape to get projects annexed into the least restrictive jurisdiction. The mayor of the City of Charleston made a call for broad-based support for regional planning in his State of the City speech in January 2005:

The area from the ACE Basin to the southwest and the Santee River to the northeast is a region that must seek to develop a vision for the future... This does not mean any government or political entity losing prerogatives or responsibilities; it simply means that we must find a way to think about our future together to see what common principles we find most important... We

can no longer think only in isolated geographic or political zones, for we are now increasingly interconnected in a myriad of ways. (Slade 2005a)

Despite the Democratic mayor and the Republican governor's outspoken support for regional planning, surrounding cities and counties took umbrage at the claim that the City of Charleston was not threatening their independence with regional planning schemes.

The tone of these fights was, if anything, nastier and higher-pitched than the infighting among jurisdictions in San Diego and New Hampshire. North Charleston's mayor, Keith Summey, responded to challenges to his attempt to annex a large unincorporated area for development (when residents of the county in which it was located had opposed the project) with language that suggested that regional planning "violated" family values and city sovereignty: "In December of last year, I responded to an incident where my family was being violated [when his daughter's purse was robbed]. I will respond in a like manner because my city is being violated. I will fight till the end... We will leave no stone unturned. This is a war that has been brought to us. We didn't start it, but we will finish it" (Wise 2005). Of course, Summey had inserted his jurisdiction into a planning debate going on in another county, and had made the move to secretly annex the property—so the violation he describes was more accurately one that he had committed and the fight over annexation had been started by his own initiative. Summey's language of war is a not especially subtle reference to the Civil War and his language of violation suggests rape. Inflationary rhetoric is nothing new in Lowcountry politics, but this and the many other annexation fights that have occurred within the last decade in the region are notable because of the ease with which the language of property and tradition used so effectively by conservationists can be co-opted for development purposes as well.

The contentious politics over annexation is also notable because of its difference from the more participatory contention in San Diego, which pitched environmental interest groups

against development interests. In the Lowcountry, the fight is personalized and place-based, with protesters holding signs reading “Just Say No to Joe [the Mayor]” (Slade 2005b), and vandals defacing rapidly sprouting signs identifying the new boundaries of cities with graffiti reading “This is Not.” Public participation matters little in what is most often portrayed as mayor versus mayor pissing contests. Two council members of the county where the Watson Hill project was originally rejected claim that the overall message sent to those who try to participate in public meetings is: “Don’t waste your time going to meetings and participating in an open planning process that crosses jurisdictional lines and regional boundaries because government can go behind your backs to undo everything you have worked for” (Hargett and Rosebrock 2005). The territorialism prompted by development pressures is in part a result of the lack of comprehensive planning—a crisis the local newspaper describes as a result of the “ad hoc regionalism” that has characterized planning efforts thus far (Behre 2006c). The unevenness of development regulations has caused developers to seek out areas—or get projects annexed into them—with less restrictive zoning, while cities have tried to enforce the urban growth boundaries in their land use plans by refusing to provide sewer service to new developments, a move which has infuriated landowners and developers.

While the ACE Task Force members began their efforts in the mid-eighties with the belief that voluntary private conservation was the right approach for stopping unchecked development in the Lowcountry, they have found themselves getting more and more embroiled in fights with parties whom they did not invite to the planning table and with whom their much trumpeted “quiet” cooperative relationships hold little sway. While the ACE members have garnered broad public support for conservation, they have not been as successful in persuading local officials to cooperate on controlling development. This is in part because local pro-growth officials were seen as so resistant as to be unreachable—much like the attitude towards resistant “property rights” landowners in New Hampshire. Whereas

the Task Force had no trouble exerting pressure on reluctant landowners to come into the conservation fold, they largely gave up on resistant local officials. These officials in turn had little investment in conservation, but substantial potential to change the tenor of development and conservation politics in South Carolina from privatized deliberation to publicized rancor and revenge-based decision-making.

ACE Basin Task Force members did get involved in brokering conservation agreements on the highly controversial development projects that precipitated these fights—although the agreements typically involved far more participants and funders, increasing their complexity and fragility. On one major victory in which Ducks Unlimited was the lead partner, Charles Hallmark, a Task Force member, was quoted in the local paper as saying, “Because of the number of landowners and funding partners involved, negotiations were complex and the deal was constantly on the verge of collapse... This project has been on life-support several times... I’m relieved” (Menchaca 2005). While the conservation agreement was saved with an infusion of money from Reidel’s state Conservation Bank, the trajectory of land use politics in South Carolina threatens to upset the precarious balance the conservation machine has established between regional real estate and conservation interests.

Interestingly, while Task Force members have expanded the scope of their concerns and begun integrating more public input, the escalating tensions have not been caused by expanded access and participation from interest groups or the public, which has largely been on the side of conservationists. Instead, the local officials who were left out of ACE Basin cooperative efforts have prompted the high-profile adversarialism. It is impossible to say whether the ACE is reaping what they have sown in terms of neglecting the role of local officials—particularly since the stubborn posturing that has occurred is exactly the reason why ACE members claimed such parties could not be involved in the first place. Nevertheless, the New Hampshire Task Force has been more successful at negotiating the involvement of

highly-territorial towns simply by consulting proactively with them on an individual basis, finding common ground on town-specific conservation projects, and conducting regional planning with higher-level entities behind the scenes.

As territorial politics have reached a boiling point in the Lowcountry, the low-key networking of the Task Force's "conservation machine" has become an increasingly inadequate solution to the larger problems of development and environmental degradation plaguing urban and rural parts of the Lowcountry. Some factors have exacerbated this problem, including the massive sell-off of southeastern U.S. timberlands by international timber companies, including MeadWestvaco, an ACE Task Force partner. The huge acreage of these parcels could be an exciting opportunity given unlimited funds for conservation, but the amount of parcels being offered at once are simply too expensive for conservation groups to take on in their entirety, even with national funding assistance and bridge loans. At the same time, such major sell-offs have attracted deep-pocketed developers from elsewhere in the country. Even with the Task Force members' elite national connections and their extension of scope to state-level funding sources, these circumstances pose a huge challenge for spreading the collaborative momentum begun in the ACE Basin region to the rest of the state.

Neither Empowered, Nor Participatory: Informal Mobilization Strategies and the Limits of Institutional Design

In relation to the previous two chapters on the San Diego and New Hampshire cases, South Carolina's ACE Basin Task Force provides an extreme case of exclusionary, elite decision-making and enforced consensus. The Task Force involved landowners in substantive decision-making positions that were off-limits in the more participatory New Hampshire Partnership, but these positions were earned by well-connected local "statesmen." Whereas the Partnership in New Hampshire had a two-track system of official "Community Partners"

who saw little benefit in working together, Task Force members in South Carolina constructed an unofficial supporting network that included both a more strident local advocacy organization and even more conservative local growth coalition contacts. By enforcing consensus and cooperation among members through interlocking NGO directorates and overlapping personal and professional affiliations, the South Carolina conservation machine deployed the politesse of an earlier era of conspiratorial elite deal-making, and was just as effective—both in channeling social relations and in funding massive conservation projects in less than a decade.

As the 1990s wore on, the Task Force faced new governance challenges related to their outstanding successes. Task Force members felt no compunction pressuring conservative landowners of large properties to transfer development rights on their land, and had been highly successful at doing so. As the Task Force tried to replicate its model for decision-making up and down the coast, these met with much less success and taxed the resources of conservation groups. The Task Force eventually abandoned their regional planning approach in favor of a more comprehensive state-wide collaborative planning effort and state-run conservation funding source administered by the original ACE Task Force chair. Regime members also became more involved in urban comprehensive planning and economic and social issues facing rural communities of color.

The Task Force member's intensive networking among local growth and conservation interests and its local landowner leadership enabled the partnership to assert its local authenticity and widespread support. While the New Hampshire partnership had been dogmatic about the importance of soliciting local input, but often was frustrated with the myopia of local conservation values, the Task Force was far more sensitive to the nuances of local concerns, and catered to these aggressively. This “match” between local values and conservationist values insulated the Task Force from criticisms of liberalism or

adversarialism, and enforced a respectful dialogue between the development and conservation community that was absent in New Hampshire and unthinkable in San Diego. However, the emphasis the Task Force had placed on “local” solutions and quiescence also limited their potential for effective interventions when regional territorialism and contention exploded among local politicians in annexation fights in 2005—hardly the supportive grassroots conservation bond issues that had taken the New Hampshire partners by surprise.

While the ACE Basin Task Force was highly effective at engaging conservation interests, developers, real estate brokers, and conservative locals for a common goal of comprehensive regional conservation, it nevertheless was not participatory. As this chapter has shown, sensitivity to locals’ sensibilities on environmental issues can be accomplished without much concern for comprehensive participation. After gaining the support of an elite group of corporations, foundations, national NGOs, and high-capacity regional interest groups, the Task Force managed to convince locals that its activities were protecting a unique southern culture and cherished landscape from outside forces of homogenization. Development in the ACE Basin was seen as a threat to the property rights of landowners and the old economic base of the region, its traditional uses—and this anti-growth stance was accepted by local developers. The unusual cooperation among development and conservation interests in the ACE shifted the discourse on potential limits to growth far more radically than was possible in the new participatory governance regime in San Diego, where a moderate coalition promoted controlled growth as the status quo.

However, by advocating consensus on the basis of “small is beautiful” local independence, the Task Force moderated contention between developers and conservationists but did little to forestall the burgeoning antagonism between local jurisdictions, many of whose leaders were pushing development at all costs with minimal concern for public resistance or participation. While local developers may have known enough to stay out of

these debates, national developers were more than willing to come in and attempt to take advantage of the chaotic and uneven local decision-making processes. While national conservation NGOs played the Lowcountry development game as locals, no amount of national connections could counter the international forces contributing to massive disinvestment by timber companies in the area and the ensuing race of developers for bargain properties and big profits.

In conclusion, the case of the ACE Basin Task Force demonstrates that local sensitivity, cooperative reception, and civil dialogue among opposing interests can be achieved even in unlikely places through practices that are not especially participatory, deliberative, or democratic. Playing to local values and matching institutional logics to existing channels of influence may not produce the long-term stability that claims of isomorphism might suggest, however. The “perfect match” of the low-key, traditional approach of the Task Force with the anti-adversarial bent of local communities and their lack of interest in participation was not particularly empowering for locals—since they were never challenged to argue for their own interests or to contribute to comprehensive planning efforts. By making conservation a private matter of public benefit, the Task Force failed to anticipate the new strategies and arguments demanded by the public attacks of local officials on comprehensive planning.

It is easy to criticize the participation and deliberation practices of the Task Force as wonderfully efficient and effective while at the same time being exclusive, paternalistic, collusive, and conspiratorial—all reasons why growth coalitions have been criticized for their profiteering at the expense of the environment and the larger community. In this sense, the Task Force created a new institution that disguised its somewhat radical activities in practices that utilized well-worn channels of influence and scripts about traditional uses. While conservation machine members claim that their actions are selfless, they do benefit,

sometimes personally, from their philanthropic activities and volunteer engagement in the ACE Basin Project. The intentionally provocative examination of the South Carolina partnerships as a “machine-style” alternative to EPG is intended to question assumptions about how conservation is accomplished in practice and why older styles of political activity—even when used for different results—are viewed so negatively. But it is much easier to be comfortable with the GBRPP since its leaders took greater pains to be sensitive and responsive to local input.

Participation is not valued as highly in South Carolina as it is in New Hampshire, and politically conservative residents have extreme skepticism towards governmental authority and any threat to private property rights. In addition, the tenor of political discussion in the small South Carolina growth and conservation communities evinces a very high premium on “civil” discourse and a collective disdain for adversarial contention—a facet of local culture that could not be farther from the business-as-usual pitched battles over endangered species in San Diego. Thus, a large part of the ACE Basin Task Force’s success has been the framing of conservation easements as a property right, the framing of participation on the part of professionals and agency officials as selfless sacrifice rather than pursuit of organizational missions or aggrandizement, and the careful solicitation of non-members to support and engage with the Task Force in limited, but critical ways. Avenues to deeper participation for those in the real estate community, those who are politically conservative, or those who prefer to work solely with local organizations lie in sympathy for hunting organizations, a non-threatening approach to growth coalitions, the engagement of local partners, or affective ties in intimate conversations among neighbors—even, occasionally, reaching out to former “enemies.”

This is not to suggest that the South Carolina case should be a “model” of participation and deliberation anywhere else, but that an instance where ground has literally

been gained be given attention by those whose high hopes are inevitably disappointed by the realities of participation. Conservationists in South Carolina have been able to involve members of a community that does not value participation in government affairs—and this should be seen as a locally sensitive approach to the same extent as the approach to participation in New Hampshire was locally sensitive in its outreach to old-timers and uninterested landowners. In fact, members take great pains to act “locally,” going so far as to reenact the drama of southern hospitality and eat locally-prepared food made from wildlife native to the region at their meetings. While many malign national interest groups for preventing participation, Ducks Unlimited provided an avenue for local participation of hunters and “non-environmentalists” just as essential as that provided by local groups. In this case, national groups were skilled at brokering local political engagement, in part because they were represented by long-time locals who were intimately familiar with the local political scene and the inside-workings of other NGOs and state agencies. If theorists are serious about their claims to respect the nuances of place, than we should attend to contingencies of places like the South Carolina Lowcountry that might challenge values of inclusivity or deliberation, and question unitary presumptions of what democratic engagement means for its participants.

CHAPTER SIX

CONSERVATION BY CONVERSATION: CHALLENGES TO INSTITUTIONAL DESIGN IN REGIONAL DECISION-MAKING

“Democracies die behind closed doors.” (Keith 2002)

It is time to face the facts we all know but prefer to ignore. The traditional methods of public participation in government decision making simply do not work. They do not achieve genuine participation in planning or decisions; they do not provide significant information to public officials that makes a difference to their actions; they do not satisfy members of the public that they are being heard; they do not improve the decisions that agencies and public officials make; and they don't represent a broad spectrum of the public.... More often these methods discourage busy and thoughtful individuals from wasting their time in going through what appear to be nothing more than rituals designed to satisfy legal requirements. (Innes and Booher 2000)

In an era of secret government surveillance and increasing erosion of civil liberties, it hardly seems worthwhile to question the effectiveness of well-meaning efforts to engage citizens in government decision-making. Transparency and inclusion may seem ever more important, and fragile, as aspirational ideals. It may seem even more foolhardy to posit the potential of informality, conversational intimacy, and discretion as holding potential for citizen empowerment on issues of public consequence. But assuming that inclusion and transparency are the ne plus ultra of procedural justice ignores the very real complexity of the regional power landscapes in which formal models of community participation are deployed for ever larger and multiply-identified publics. Inclusion of all groups interested in participating may not be conducive to greater transparency if such groups represent themselves and their motives deceptively; perceived integrity, authenticity, and intent matter to participants but are rarely up for debate in formal participation. New technologies for interaction on the internet have enabled public input of mind-boggling quantity and high volume, proving wrong those who complain about public apathy but rarely providing a satisfactory meeting place for those who long to talk, not vent.

Indeed, there is evidence to suggest that participatory innovations in collaboration and consensus-building have been tenuous in the long-run specifically because of their poor record of stakeholder satisfaction. Empirical work documenting the improved quality of plan outcomes achieved through empowered participatory governance is difficult to come by, but some limited research on the social effects of these processes documents the reverse of the outcomes predicted by deliberative theorists, particularly the presumption that more robust participation will reduce contention. In a thirteen-year study of consensus-based processes used by all federal agencies, with a specific focus on the EPA, Cary Coglianese finds “a surprisingly weak track record,” in which negotiated rules were actually challenged more frequently than those not developed through consensus (Coglianese 1998, 1261). In addition, he finds that petitioners are often those who had been included as stakeholders in the policy-making process (1303). If formal participation is a meaningless ritual that can increase stakeholder disillusionment, as Booher and Innes suggest in the quote above, is the solution simply to hide behind closed-door decision-making processes and give up on democratic outcomes?

In this chapter, I argue that evidence from the three cases I have studied suggests that impugning either formal deliberation or backstage negotiation is, as a project for researchers, very much beside the point. Interviewees had complex feelings about the ecological and social outcomes of the decision-making processes in which they had engaged, and these did not accord with researchers’ assumptions about participatory success or failure. In terms of their immediate assessments of transparency and inclusion within the process, formal and informal strategies were perceived differently in different contexts. While some environmentalists believed the authenticity of the deliberations in the formal participatory process in San Diego were threatened by informal backstage pressures from putative allies, conservationists in South Carolina framed informal settings for talk as the key to deliberative

authenticity within their formal group. Informal settings were publicly advertised as appropriate venues for pressuring resistant stakeholders to change their preferences. The Great Bay Partnership denied formal inclusion to stakeholders who wanted to participate, but they also took great pains to demonstrate their inclusion of substantive input from non-participants as an ongoing part of their plans. By comparison, the San Diego process disillusioned many of those who had opted for formal participation, knew they had been listened to exhaustively, but still felt their perspectives had not prevailed in the plan. As such, informal strategies of inclusion and input did not necessarily contribute to perceptions of inauthentic deliberation or procedural injustice.

In terms of the extent to which participants perceived broader social capital benefits such as continued collaboration, increasing public education, and new participatory institutions arising from engagement in the process, the answer depended largely on the time horizons and community boundaries of stakeholders' perspectives. The lawsuits over MSCP implementation could be interpreted as a sign of the superficiality of the consensus that had been reached among moderate environmentalists and developers, but they also indicated a reconciliation among environmental groups over the tensions experienced because of the terms of participation and endorsement in the MSCP. While the planning process and its outcome in 1997 had divided environmental groups largely according to their capacity for compromise, by 2005 the conservation community had responded by developing a new horizontal institution for cooperation, mobilization, and sharing of resources. By comparison, the local jurisdictions, which continued to use their cooperation to lobby successfully at the federal level, had abandoned the development of a cooperative regional funding institution mandated by the plan. Cooperation among collaborators may have been short-lived and partial, but conflict produced by the process ended up leading to more enthusiasm for coordinated action among a subset of participants.

In New Hampshire, the privatized method of participation had achieved unanticipated cooperation from jurisdictions, and alliances among long-term and newer residents, but the Principal Partners were frustrated by what they perceived as territorial infighting among Community Partners and rationales for conservation from jurisdictions and local residents that Partners perceived as self-interested and short-sighted. In South Carolina, the conservation machine had gained the support of conservative landowners, real estate brokers, and the larger public for massive conservation projects and regional planning based on public campaigns advertising informal methods of conversion. These campaigns employed rhetorics of local belonging and harmony that were increasingly challenged by newcomers, outside developers, and even the supportive local press. The Task Force members circumvented local jurisdictions as fractious and ineffectual, which later jeopardized their expanding interest in statewide and multi-region planning.

As the three cases studied in this project demonstrate, ideals of civic empowerment and public-spirited decision-making are certainly powerful as symbolic currency within the partnerships, but they are rarely as coherently realized as they seem in researchers' models. The idea that state-centered empowerment will allow social movement actors to exercise their own power for redistributive goals is belied by the instability they face in dealing with government administrations and agencies. In South Carolina, conservationists shuddered at the loss of the state's senior senator, a key ally and powerful committee chairman. In New Hampshire, the Republican governor's evisceration of state agencies was a constant backdrop of cooperative efforts. Legislators' funding of the state land conservation program varied drastically year to year. In San Diego, the city planning agency was gutted and briefly abolished in the 1990s, when planning was limited to permitting and development services. Turnover of the Clinton and Wilson administrations at the federal and state level caused NGOs to reorient their efforts away from the MSCP. Interviewees sought reliable sources of

private sector support not to avoid accountability but to compensate for the instability of state-centered access and funding.

But the presumption that access to power can be assured at the state level is also belied by mandates for equity, full participation, and even local control. Social movement actors and conservationists may be afforded the opportunity to access officials, but elites and developers share those official access opportunities as well. If local developers are in fact powerful national corporations, and if national environmental NGOs defer on local input to low-capacity, subregional environmental groups, the playing field created for access remains unbalanced in reality but equitable and locally-sensitive in theory. Informal strategies may actually become more important when access to formal processes cuts off the very claims social movement actors can employ as leverage. In light of Coglianese's findings, the litigation that arose after the MSCP is not an anomalous breakdown of a method that has worked well at reducing consensus elsewhere. The MSCP case in particular helps us to understand the very real limitations of state-centered reforms oriented towards civic participation. Whereas proponents of participatory governance have claimed that state-centered processes' very virtue is their durability, I find that binding agreements pursued through formal institutions can be less durable than those pursued through their informal counterparts—in part because informalized regimes anticipate and compensate for their lack of enforcement power on an adaptive basis.

Contexts of Engagement: What Difference Does Participation Make?

Context clearly matters in determining when participation will improve local democratic politics, but *how* does it matter? Most proponents of formal participatory models assume that such models will be receptive to local contexts by virtue of providing a delimited forum for local concerns. My analysis here has emphasized that locals actively negotiate their

engagement in terms of how inclusion will impact their ongoing standing in the community. The case studies in the previous chapters do not address formal participation simply in terms of the quantity of local participants it attracts or the breadth of local interests they represent. Instead, I have explored how participatory mechanisms are engineered in implementation to take account of the informal, ongoing practices of communication and existing deliberative traditions within a community. Qualitative judgments mattered, but these became important in the context of community members' own perceptions of how participation in local power structures really worked, and how they framed the relationship of formal process to the surrounding contexts of informal social life. This approach privileges community actors' own conceptions of the legitimacy and value of participation rather than those of researchers.

Formal Inclusion and Stakeholder Reception: The Whole Story?

Most studies of community engagement attempt to define opportunities for as much inclusion of diverse viewpoints as possible, an ambition somewhat unfortunately memorialized as “maximum feasible participation.” Despite the high profile demise of the Great Society attempt to mandate grassroots participation for federally-funded community projects, a fundamental belief in the importance—and even the necessity—of grassroots participation has not diminished among researchers, policymakers, and practitioners. Rather than probing the limits of maximum inclusion, this study could be understood as probing acceptable tolerances of minimal inclusion—how to increase interest in project goals, ongoing deliberation, and even ongoing participation, with the least number of engaged participants.

Of course, this is not my aim. Quantity of participants is far less important in the processes I study than who those participants are and how they perceive the quality of their participation. As I have shown, the formal process in San Diego attracted more participants by design, in part because the decision to participate carried particular messages about an

organization's or individual's standing in the decision-making community. The powerful attraction of contributing to the policy-making process in the formal process actually led to the creation of new groups. But for the same reason, some groups chose not to participate in the process because they doubted their capacity to belong and at the same time resist the pressures of the group. These less moderate groups from either side of the ideological spectrum (property rights and pro-ESA environmentalists) did not want to be associated with the ultimate outcome if it did not reflect their priorities. But elites from powerful national NGOs focused on land conservation acquisition and financing also avoided the formal process because they found its plodding pace irrelevant to their own dealmaking. In the more informal cases in the Seacoast and the Lowcountry, much less was at stake in terms of community standing, and many groups opted out not because they were interested in critiquing from the outside, but because they saw the partnerships' activities as supplemental or incidental to their own goals. However, much more was at stake in terms of conservation deal-making, and many elite NGO representatives who avoided the MSCP participated actively and eagerly in the very similar, but far more efficient habitat prioritization activities of the more informal partnerships. The smaller deliberative groups in the less formal processes ended up pursuing non-affiliated stakeholders far beyond that required by federal regulations, both for consultative input on the project and in order to mobilize support for planning in the larger community.

Perceptions of the appropriateness of these practices of inclusion were linked to perceptions of the consensus-building they generated. Consensus in terms of support for the process and ongoing interest in some form of participation in San Diego was positive, but mixed, with many active participants skeptical of the transparency of the process after its conclusion, while others who had initially rejected participation came to believe that the process had made worthwhile advances. A core group of powerful players actively pursued

their interest in ongoing deliberation, but public planners discarded the larger deliberative format as too time-consuming, costly, and inefficient. They continued to seek broad public participation, but returned to a consultative approach with individual groups for later habitat plans. Participants in the habitat plan continued to believe in community participation as an abstract good, but did not believe that the habitat planning process alone could solve the complex problems of conservation and development in San Diego—a notable failure of the program’s ambitions for comprehensive solution generation.

Community perceptions of the consensus achieved in the Seacoast and the Lowcountry reflected the aggressive and strategic mobilization strategies of more informal and exclusive public-private partnerships, but differed according to the concerns of locals and the differing goals of the groups. The Great Bay Partnership pursued semi-formal local input scrupulously and thoroughly from the very earliest stages of the partnership, and reaped the benefits of timely interventions in town planning in the region. The Partnership offered towns and landowners additional tools for combating development threats, and these were eagerly and enthusiastically adopted to the extent that the Partnership actually had to channel local involvement to lower-capacity groups and town governments more interested in the types of conservation locals favored. By contrast, the ACE Basin Task Force did not seek initial buy-in from local governments or existing local groups, and sought to build support by converting landowners on a personal basis to the mission of conservation as a local tradition. The conservation machine then arranged for the celebration of these “private” conversions in the local media. By framing conservation and cooperation not as comprehensive government mandates but as particularized local traditions amenable to a variety of land use and property ethics, the Task Force was able to generate substantial support within local communities for its members’ exclusive, informal, intimate approach.

Evidence of the extent to which complementary forms of community support did not depend on official inclusion or diverse stakeholder consensus in the partnership is demonstrated by regional support for conservation funding as expressed through the per capita value of town and county ballot initiatives for land conservation.⁷⁰ (See Table 6.1.) San Diego and the Seacoast partnerships sought far more participation (twenty-nine Working Group members and 292 official participants contributing plan “input” in San Diego, and nine principal partners and over thirty community partners in the Seacoast) in conservation decision-making efforts, and both regions have endorsed conservation ballot measures with over two-thirds voter support to the tune of \$614 per capita average in Rockingham County and \$300 per capita in San Diego County. In South Carolina, a transportation bond similar to that passed in San Diego contained proportionally two and a half times more funding for conservation as a percentage of transportation improvements, and over \$678 per capita for conservation. Although Rockingham County has seen more growth than San Diego, on the town level conservation dollars per capita in New Hampshire show no relationship to growth rates, despite the fact that growth in some towns from 2000 to 2004 topped out at 10.6%. The

⁷⁰ Some caution must be used when comparing these figures because of differences in the way measures are structured to finance conservation (bonds versus taxes), and whether or not such measures stand alone or are bundled into transportation initiatives. As such, caution is necessary when comparing support as measured by the percentage by which these measures passed, since voters were not able to differentiate between their support of conservation or transportation in the transportation measures. However, the claims I am making here regarding support as measured by conservation dollars per capita are supported by comparison of previous iterations of transportation and conservation-only measures in these communities. Two previous versions of the transportation bond that were not supported by the local conservation machine failed or were overturned in South Carolina, and the 2004 measure, which was supported because of more explicit language regarding how conservation funds would be used, passed. Another measure where voters were able to indicate conservation interest alone also passed but failed to be implemented due to a court challenge. In San Diego, by comparison, two other municipal and special district measures for conservation were proposed within the county in the 1990s, both of which funded conservation only, and both of which failed. A final caution regarding the comparison of conservation dollars per capita: due to variance in local property values, comparing the dollar amount per capita does not give a perfect indication of voter support for “amount” of conservation, since smaller amounts of money can go much further in the Seacoast, for example, than in San Diego.

town of Newfields grew by 3% in the same time period but passed a bond measure supporting a whopping \$1,252 per capita.

Table 6.1: Regional Support for Land Conservation by Town or County Ballot Initiatives*

	Charleston County	San Diego County	Rockingham County (town level data)
2004 population	326,762	2,931,714	292,526
% growth since 2000	5.4% growth since 2000	4.2% growth since 2000	5.5% growth since 2000
Initiatives	\$221 million of \$1.3 billion half cent sales tax measure, passed 2004	\$880 million of \$14 billion half cent sales tax measure, passed 2004; two conservation-only municipal bonds in 2002 and 2004 failed.	Nine Rockingham County towns proposed 12 out of all 21 conservation bond measures in the state from 2001 to 2003. Nine passed.
Type of initiative	Transportation sales tax, 17% of which is reserved for conservation	Transportation sales tax, 6.2% of which is reserved for open space	Conservation, farmland and open space bonds
Percent of voters voting yes in successful measures	59%	67%	71% (average); 100% max., 69% min.
Conservation funding per capita	\$678	\$300	\$614 (average); \$1252 max., \$195 min.

*All data in this chart from the Trust for Public Land's LandVote Database (2005)

The data in Table 6.1 certainly support the claim that each community has demonstrated increasing interest in public conservation financing as a complement to state-centered partnership efforts at the turn of the century—part of a broader national recognition that growth, especially in the form of transportation infrastructure, must be accompanied by conservation in order to maintain regional quality of life (Gustanski and Squires 2000; Hopper

2001; McQueen and McMahon 2003). Rather than demonstrating that more exclusion produces more community support for complementary conservation funding, the difference in per capita funding between the East Coast and San Diego cases demonstrates the need to consider other factors that contribute to community mobilization for conservation. Contrary to the research of deliberative democracy theorists, I do not find that inclusion and reception are the end of the story.

The high profile cooperation and the notable transformation of activity in the San Diego planning community were accompanied by individual and group assessments of the extent to which the formal aspects of the process were affected by backstage negotiations and informal communications. The experience of participants in the San Diego MSCP provides an illustration of Daniel Naurin's claim that public deliberation is "a contradiction in terms" (2002, 19), and Selznick's claim that "public responsibility for and participation in the exercise of authority may be shared with new elements, with or without the actual redistribution of power itself" (1949, 259). By comparison, the process in New Hampshire, which sought the informal support of community elders, ended up being endorsed by a larger segment of the public—a finding that also would not be a surprise to Selznick. Despite New Hampshire's famed bent for participation, privatized local meetings when stakeholders were already together for another purpose were perceived as ideal for avoiding "usual suspects" problems and building project interest among potential participants with limited capacities.

The conclusions of this study in terms of the San Diego MSCP employ criticisms of formal deliberation in the context of increasingly local, mundane, and organizationally-mixed venues for collective civic action in American urban life (Sampson et al. 2005). If the expansion of habitat conservation planning is any guide, cooperative devolved decision-making will become more common as a solution to regional resource management (Beatley 1994; Feldman and Jonas 2000; Thomas 2001). While Sampson et al. find that organizations

produce a robust civic landscape of routinized, nondisruptive “blended social action” (2005, 708) combining civic forms with movement-style claims, my conclusions are less optimistic than the authors’ regarding the extent to which this reorganization of civic activity indicates a turn toward “innovative problem solving” through civic involvement (2005, 710). Most importantly, ground-level officials and conservation nonprofits in each case expressed fatigue with pressure for partnership for its own sake, both as a drain on resources and as an exercise imposed on them by foundation grant requirements or higher-level administration.

The experience of participants in the San Diego MSCP gives cause to question whether the “sage scrub revolution” that has produced a fragmented, “loosely coordinated amalgam” (Feldman and Jonas 2000) of subregional planning processes stands to produce the civic engagement benefits that have largely been assumed thus far—and whether it should be the only solution to resource management at the regional level. What is certain is that more traditional SMOs and activist environmental organizations must adapt to a political landscape of blended social action that claims depoliticization at the same time that it makes new demands on the political skills of participants. While Young and Mansbridge see potential for participation in state-centered deliberative processes if these are a complement to other forms of social action, the ways in which formal participation in the San Diego MSCP was framed as a comprehensive solution presumed that participating groups would cease other forms of protest and access to decision-makers and the public. This divided the community of environmental groups according to strategy, exactly the opposite result of the exclusive, informal process in the Lowcountry.

Informalization: Partial Engagement, Backstage Empowerment, and the Role of Local Elites

Openness about backstage pressuring tactics and deliberate exclusion in South Carolina and New Hampshire poses a challenge to researchers who link informal elite tactics

solely with private redistribution and personal gain. In contrast to the belief of deliberative democracy theorists in a state-centered playing field free of power, growth machine theorists ascribe to a dualistic moral politics, where every elite is a literal “enemy” intent on growth at any and all costs to “us,” the larger public (Molotch 1999, 265). In this formulation, backstage machine activity permeates every cranny of urban governance, everywhere: “Virtually every city (and state) government is a growth machine and long has been” (Molotch 1999, 249). What does the very public advocacy of informal deliberation and local autonomy in support of conservation mean for growth machine theory?

Firstly, territorial ideologies encompass a far greater range of possibility than growth machine theory assumes, which should not be surprising given the rich social, political, economic, and ecological histories encoded in the concept of place (Gieryn 2000). Secondly, an understanding of regimes as institutional forms with varying qualitative content need not resort to naïve pluralism. Just because cities are likely to act as growth machines and elites are likely to favor growth does not mean that they have to work this way. A particular arrangement of power may produce similar forms of activity in either case, like backstage deal-making, but favor radically different redistributive ends. Analyzing these qualitatively different ends in specific urban places provides greater insight into the rationale for informalized approaches⁷¹—and more skepticism about proposed solutions to growth machines’ conspiratorial monopoly of civic agendas.

The existence of a conservation-oriented regime also challenges the moral vision of growth regime theorists. Just as a recent wave of civil society scholarship has documented that mobilization theories apply equally well to social movement organizations with disempowering or discriminatory goals (Blee 1991; Kaufman 2002), so documenting a case of

⁷¹ In other words, examining a place where informal approaches are actively publicized by the parties to this communication, as in South Carolina, challenges the assumption that such approaches are used to deceive the public or avoid scrutiny.

land-oriented regime activity oriented towards public, rather than private, goods demonstrates that the outcomes of such practices are contextual rather than inevitable. As such, I am not simply adding an interesting side note to growth machine theory but questioning its underlying value paradigm, which assumes that elite and public interests are necessarily arrayed against each other. Dispensing with the Manichaeism of growth machine theory by no means denatures its critical perspective, but it does require rejecting entirely the slipshod language of “enemies.”

Just as the San Diego MSCP demonstrated that the use of informal practices within formal process was not limited exclusively to elites, so the machine-like activities of the ACE Basin Task Force demonstrate that the informal tactics of elites are not always oriented toward private ends at the expense of the larger public. In fact, the variety of informal, partial, and discrete routes to participation allowed for the mobilization of support under a more inclusive umbrella of potential concerns and interests: from property rights advocates, environmental activists, birders, hunters, Democrats, Republicans, and other formidably entrenched opponents. In fact, the only preemptively excluded group was out-of-state developers: “people” from Kansas and New York City—a particular irony given the substantive role of national NGOs.

Attending to Place and Region: Questioning the Concern with Scale and Localism

By studying state-centered activity at the regional scale, I am not simply arguing that deliberative theorists have neglected the complex power landscapes within community politics. I have also attempted to complicate researchers’ own essentialization of community in “local” deliberations. Attention to regionalism highlights the turn to regional scales as important spheres of identity and governance between the federal and local level (Dreier, Mollenkopf and Swanstrom 2001; Griswold and Wright 2004; Press 1995; Putnam, Leonardi

and Nanetti 1993; Rousseau and Zariski 1987; Sivaramakrishnan and Agrawal 2003). The “scalar trap” (Wood 2005) of understanding scale as an issue of increasing size rather than of inclusion across community boundaries and places, and of understanding the challenge of scaling up simply as an issue of how to translate small group dynamics and localized belonging to an ever-increasing number of people, is to misunderstand the flexibility of organizational and personal identification, and even of geography and notions of proximity.

The physical size of San Diego County’s MSCP planning region was not significantly larger, nor the driving distances much longer, than in the ACE Basin Task Force, where participants routinely drove distances of twenty-five to forty miles to reach the rotating locations for Task Force meetings. But traffic in San Diego made commuting to meetings far more grueling, and the distributed “city of villages” of San Diego’s residential areas made chance encounters with fellow participants outside the official process far less likely. Participants were even less likely to cross paths in Los Angeles, the regional business and real estate mecca, and Sacramento, the state capital, over five hundred miles away. Participating increased the chances that leaders of environmental organizations would pick up the phone and call each other on business matters, according to one participant—but did not contribute to personal social connections on an everyday basis. By contrast, the core concentration of Lowcountry business activity in Charleston and lobbying activity an hour and a half away in Columbia, the state capital, created dense nodes of social network overlap and walking distance immediacy that encouraged chance meetings and personal connections.

Not surprisingly, the psychological identification of representatives with their particular subregional community in San Diego looked far more like that of the Community Partners in New Hampshire, which insisted on distinctive treatment based on town boundaries less than five miles apart. Inclement weather in New Hampshire winters often made chance encounters a matter of varying seasonal intensity. Personal networking among groups in the

nearby state capital was greatly facilitated by their being housed in the same building, with offices facing out on an open balcony and interior gathering space. Focus on scale and group size rather than particularities of place and region like these risks misunderstanding key differences in the opportunities for informal communication within formal “local” or “community” processes.

Not least, a preoccupation with local participation as diametrically opposed to wider scales of governance ignores the flexibility of organizational identification, even among representatives of the largest national NGOs. Local chartership is perceived as far less important to many stakeholders than the ability of groups and their representatives to make claims to represent a place or a regional interest, no matter how small or large. In San Diego, large national groups did not believe that they had a right to claim local leadership positions, despite their local presence—whether because the organization had appeared on the scene fairly recently, or because critical employees responsible for the region were based in the Bay Area and Orange County, and commuted regularly but did not live in the area. Multi-state regional groups, like the biodiversity advocacy group, worked aggressively to be recognized on the local level, and its San Diego representative, Bruce Andrews, was far more closely tied to low-capacity local environmental organizations and chapters than to the higher-capacity regional environmental groups.

In New Hampshire, natural resource managers of public agencies and organizational representatives were often newcomers to the state from Boston or New York, and were aware of the extent to which they could never pretend to be local or pass as hunters, no matter how long they lived there. Interestingly, however, they often served on their local town governments, and the deputy for all landowner contacts in New Hampshire was a state Nature Conservancy executive based in Concord. Clarence Rogers was widely seen among Principal Partners as the most authentic, locally acceptable face of the partnership, despite his affiliation

with a national group, and earlier, his long career in the federal government. In the Lowcountry as well, TNC and DU representatives were perceived as eminently local, in part because local landowners were heavily implicated in state and national board leadership, and also because TNC's chief employees in the area were long-time residents, native southerners, and serious hunters. DU's depth of local support in the hunting community provided its representatives with a source of critical "local" credibility.

This variance among groups based on regional tenure and employee roots provides a critical link between informalized communication and concerns about place and regional identification. National-level groups could authentically play local roles in one place and not in another based on the extent to which their employees were perceived as local. Concerns about the difficulty of scaling up do not take account of these multiple connections to various scales of social networking. The ACE Basin Task Force members had little challenge scaling up their group connections to the state and national level because they already had personal networks at those scales, but they did face challenges scaling their model across to other focus areas along the coast. The consensus-based format that had worked so well in the first Task Force did not coalesce in other regional Task Forces in the same way—personal collaboration had been far more important than the organizational form of regional meetings organized around watershed boundaries. Conservation leaders tried to solve this problem by having "the same people meeting in a different place" to decide issues of relevance in other regions. In addition to understanding state-centered regional planning as a form of blended social action that mixes elite forms with social movement claims, it is also important to recognize that state-centered regional planning brings together persons who represent different claims to local sensitivity and affiliations of varying and multiple scales of social action as well.

In such contexts, claims to local authenticity or inclusion can become far more ambiguous—and simply planning on a regional level is no magic solution that gets people

from different places working on the same page. Evidence of high-capacity national conservation organizations taking great pains to hire locally-credible ambassadors or resisting a larger role in local affairs in order to empower locals belies the claims of development theorists that large organizations are tyrannical in their imposition of institutional regimes on local communities. In fact, I have found that national interest groups can be more sensitive to place and local realities than has been presumed, but that this flexibility is rooted in perceptions of individual actors, not in controlling their access to formal processes of participation.

A New Concern: Informalization, Institutional Design, and the Politics of Place

I began this project by questioning whether participation improved decision-making in local communities. As such, I conclude by assessing the goals I proposed at the outset and examining potential directions where my conclusions might lead. First, I have shown that, in the cases studied, institutionalized participation was not an exclusive means to empowerment. Reconciling cooperative deliberation with public inclusion created a number of potential obstacles to stakeholder reception. Stakeholder perceptions of procedural legitimacy did not rest on conceptions of transparency or inclusion, but often emphasized the organizational legitimacy of the parties to the process.

Second, I have explained why increasing formalization of participation may not improve the quality of deliberative discussion in local communities. Formalization in San Diego did not produce comprehensive participation, nor did it contribute to the maintenance of consensus on agreements that had been reached. Informalized processes allowed for the pursuit of locally unique and adaptive solutions to the deliberation/inclusion problem, and, as they emphasized continuing alliances, were far less open to challenge from those stakeholders involved in planning and heavily invested in ongoing results. These solutions valued

deliberative quality and cooperation over inclusion, and they gained widespread reception from key constituents and uninvolved stakeholders through a variety of largely informal and strategic means. By challenging theorists' normative assumptions of participation in public deliberation as an independent social good, I have not endeavored to dismiss participation, but to add complexity to our understanding of how it is reinforced, sustained, or destabilized in differing contexts of implementation. By setting aside researchers' own presumptions about the destabilizing effects of informality, I attempted to gain a more sociological understanding of the ways in which informal communication is morally constructed by stakeholders within the context of formal processes. This perspective, which grows out of increasing attention to historical context and institutions in American political development, may help us to understand the current political moment, and the fragility of transparency and inclusion as ideals, a little better.

For a project that criticizes a model-based approach to implementation of abstract ideals, it would be particularly foolhardy to come up with prescriptions for action based on the study of these three very unique cases. I am arguing that informalization should be reconsidered as an important factor for elite and non-elite participation, but not that proponents of formal participation should attempt to “structure” informal elements into participatory proceedings—as doing so would diminish a primary source of their appeal. However, it is appropriate here to elaborate on the political moment that these cases capture, and on three potential trajectories that the localized perceptions they describe might suggest:

- Increasing contention over participation itself on the part of stakeholders. First, researchers' assessment of a less adversarial moment, in which “blended” forms of social action are emerging as dominant methods of civic engagement, may overstate the complementarity of protest and participation—and the extent to

which the move to participate within government-sponsored processes may not represent choice on the part of social movement actors so much as the cooptation of claims to exclusion. When formal processes are open to all interested parties, it is particularly difficult for those who reject the method under which they are required to engage with other participants to win sympathy for their arguments for better representation. This leads to increasing contestation of participatory methods and widespread cynicism among volunteers and activists about the political dramaturgy of participatory processes and the publicity they enable for select participants. Community debates in formal settings may hinge less on the issues at stake and more on the appropriateness of the methods used and the extent to which they have become dominated by entrepreneurial stakeholding entities that specialize in participatory input. Just as the luster of direct democracy as an avenue to empowerment has worn off with its increasing domination by high-priced signature-gathering firms, so state-centered participatory processes may increasingly become fora dominated by a new category of “usual suspects”: stakeholders who have made a career not simply out of issue advocacy, but out of participation itself.

- Increasing fatigue with participation and partnership from administrators. Second, evidence from my informants in all three cases suggests increasing fatigue with participatory processes for their own sake (or for “higher order” social capital benefits) from elites and decision-makers as well as stakeholding insurgents. While empowered participation and cooperative partnership may have been the mantras of foundations, academics, and government administrators in the 1990s, the rejection of partnering “on paper” from ground-level agency and NGO

staff documented here, along with a renewed emphasis on accountability and measurable results in an era of tight philanthropic budgets, indicate diminishing enthusiasm for collaborative solutions—just as the enthusiasm for the “synergy” produced by large conglomerates in the business world in the 1990s now seems faddish and over-hyped. In this sense, a move towards decentralization in combination with more emphasis on partnership and participation seems bound to produce conflict, since the more empowered local-level administrators are, the less likely they are to embrace perfunctory partnerships for abstract goals of empowerment or inclusion.

- Increasing commodification and outsourcing of participation to third parties. Finally, the two preceding trends (increasing public contention over and cynicism about participatory methods and increasing fatigue from administrators and decision-makers for partnership) help to explain the increasing commodification and outsourcing of participatory expertise and capacity-training on the part of local governments, corporations, and the third-sector to professional consultants. This newfound emphasis on training participants in the arts of satisfying participation and effective partnerships should not be applauded without more research. Evidence from this project does suggest that, under certain circumstances, private consultants like Truitt can be very effective at generating positive stakeholder reception. But the dismissal of engagement with low-capacity players as “handholding” by some officials and NGO administrators indicates an unsettling diminishment of participatory involvement as a feminized activity best managed by paid surrogates. Because civic engagement and citizen participation have been promoted to counter the perceived disempowering effects

of expertism and professionalized interest group advocacy, it is particularly ironic that the solutions now being offered emphasize the necessity of technical knowledge in public participation. Not least, the demands of professionalization might cause increasing formalization of participatory methods, if only so that they can be commensurated, trademarked, and sold. Relationships between laypersons, NGOs, and those in positions of power stand to become increasingly intermediated as a result of this trend, as happened in the Great Bay Partnership.

While this study has attempted to demonstrate that researchers should not ascribe automatic social capital benefits to formal participation in local decision-making, the trends described above suggest that more research is needed on less recognized social projects to which formal participation contributes—most notably, the perpetuation of organizational and professional logics of accountability and indemnity for federal and state agencies, local governments, NGOs, and professionals. Formal participation represents a particular reconciliation of the tensions between bureaucratic administration and democratic self-governance that has benefited some actors at the expense of others, a result that should not be celebrated out of context simply because these actors happen to be “local.” That formal participation as an abstract ideal has been described as utopian by researchers impoverishes our understanding of how formal participation may reinscribe relations of power at multiple scales of action and in less easily-contested ways. But promoting participation as virtuous in itself also may make it particularly susceptible to overuse and to progressively superficial appropriation by corporations and marketers (Elliott 2006). Growth machine theorists’ focus on how to prevent urban elites from co-opting local political process may distract from a better understanding of how local participation itself may be co-opted by powerful interests. As stated at the beginning of this study, participation is both best practice and big business, and as

such, it can tell us just as much about broader social priorities and landscapes of power as it does about the local needs and opinions it is intended to reveal.

GLOSSARY OF CONSERVATION TERMS

Assurances. Also referred to as “no surprises” provisions, assurances are provided to developers receiving federal and state incidental take authorizations (see below) that they will not be required to perform additional mitigation in the event that circumstances or information about impacts on species change. This security was the principal reason why developers were so enthusiastic about the MSCP, because it allowed them to estimate more definitive project costs and timing, essential for real estate investments financed with loans. The “no surprises” guarantees provided by the federal government in habitat conservation planning have been the subject of lawsuits by environmental groups. Many have argued that “no surprises” assurances should balance security and species conservation more effectively by having sunset dates, given that information about species needs is necessarily limited at the time of the agreement.

Brackish. Water in an estuary composed of mixed salt and freshwater. Brackish water cannot be used for drinking supplies or other uses requiring freshwater, like industrial cooling.

Conservation easement. A conservation easement is a binding, voluntary legal agreement that places permanent development restrictions on a specific property. Easements are customized to the property according to the current landowner’s interests, and may allow for some limited additional development, or provide for management practices that ensure preservation of the property’s open-space or habitat value. Because easements are permanent and non-adaptive, they are deeded with the property if it is

sold to another owner, who must abide by the restrictions even if unforeseen circumstances have arisen in the interim. Easements can be purchased or donated to an easement holder, who promises to monitor and enforce the restrictions in perpetuity, and their value varies depending on the current uses of the property and its development potential. For properties without much use value in their undeveloped state, conservation easements may be assessed at close to the market value of the property. Conversely, if the property has little potential for development (because of zoning limitations or restrictions on infrastructure), but high value under its current use, conservation easements may be assessed at much less than the property's market value.

Corridor. A wildlife corridor is a byway that allows protected species movement between habitat fragments. Corridors may be natural, like riparian corridors, or manmade, like a drainage ditch, tunnel under a highway, or hedgerow. Often manmade corridors constructed for the express purpose of wildlife movement are relatively ineffective because they require a precise understanding of animal behavior. E.g., bears may prefer to cross a highway rather than go through a tunnel because they perceive the tunnel as more threatening. Riparian corridors and contiguous properties are the predominant focus of land conservation efforts aimed at reducing fragmentation. Corridors are often called “greenways” by conservationists.

Edge effects/encroachment. Edge effects occur when conserved habitat areas are in close proximity to land under other uses, like roadways, housing developments, etc. Residents may treat conserved properties as dumping grounds, or animals within habitat areas may be threatened by toxics from roadways or domestic predators.

Physical encroachment occurs when people use conserved lands for unapproved uses, such as keeping large animals like pigs or dogs, raising marijuana, teenagers' party spots, building fires, etc.

Endangered. The Endangered Species Act defines endangered as "any species which is in danger of extinction throughout all or a significant portion of its range."

Estuarine. An estuary is coastal area where freshwater rivers or water bodies are affected by tidal flows. Estuarine wetlands are usually rich in species biodiversity because of the dynamic daily and seasonal mixing of freshwater and saltwater. In the ACE Basin, public and private land managers can control the salinity and water level in impoundments fed by rivers affected by tidal flows. This allows them to cultivate wetland vegetation attractive to migratory waterfowl and other desired species like endangered wood storks.

Fragmentation. Habitat fragmentation results when parcels of land are small and separated by distances or other barriers that prevent wildlife movement. Fragmentation also degrades habitat quality by increasing edge effects. Because of existing habitat fragmentation, many land conservation efforts focus on preserving existing or potential wildlife corridors.

Incidental take permit. An incidental take permit or authorization lets developers remove or destroy species in a designated place, as long as the species' survival or recovery is not in jeopardy and their activity is "otherwise lawful" and inadvertent (that is, such activity is not the intended purpose of the developer; some developers have responded

to the ESA by preemptively grading property to remove species that may be listed in the future). Incidental take is authorized by federal and state agency officials upon approval of a conservation plan addressing “potential impacts, mitigation measures, funding, alternatives, and other measures deemed possibly necessary” (San Diego County 2006). In the MSCP, USFWS and California DFG agency officials transferred their authority to grant incidental take permits to planning officials at the county and city level.

Mitigation. Mitigation in this context is activity intended to compensate for or diminish anticipated impacts of development. Laws regarding mitigation vary by state and municipality. Mitigation may occur on the site itself, or may allow for developers to purchase and conserve habitat of similar value or acreage in another site. Mitigation is relatively controversial not on principle but because there is much disagreement over issues of who gets to determine what mitigations are appropriate, where they should be, and when additional mitigation may be necessary. Conservationists typically argue about the comparative quality or equivalence of substitute habitat sites, since often these are proposed by developers based on their existing holdings. Criticisms of “poor quality” mitigation refer to conservation of land with little development or habitat potential, often jokingly referred to as highway medians. Conservation groups frequently refuse to accept funding or conservation projects related to mitigation because accepting these funds allows development to go forward. As a result, governments may maintain mitigation “banks” in which developers can purchase habitat credits for high quality or high priority land projects.

Riparian. Of or on a river bank and its adjacent land. Maintaining riparian areas is critical

to maintaining water quality because the vegetation affects erosion and filters contaminants.

Take. The Endangered Species Act defines take as meaning “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Both the ESA and the California Endangered Species Act include habitat modification as a potential form of take.

Takings. Confusingly, take applies not just to landowners’ destruction of species but to government appropriations of private property according to the Fifth Amendment, which states that land cannot be “taken for public use without just compensation.” Beginning in the 1920s, the Supreme Court expanded the definition of such appropriation to include “regulatory takings” in cases where regulation severely restricts a landowner’s use of a property, most recently including owners of property who knowingly purchased the property under restrictions already in place (*Palazzolo v. Rhode Island* 2001). For obvious reasons, this interpretation of takings threatens the viability of conservation easements, and has prompted renewed attempts by conservationists to emphasize the voluntary nature of conservation easements. Because subsequent buyers receive a reduced purchase price for the property, they are compensated at the time of sale for the restrictions.

Waterfowl. Waterfowl are game birds that can swim, such as ducks and geese.

Watershed. A watershed is an area of land defined by a common drainage outlet.

Drainage outlets include lakes, rivers, and oceans.

APPENDIX ONE

OFFICIAL PARTICIPANTS

Multiple Species Conservation Program	Great Bay Resource Protection Partnership	ACE Basin Task Force
<p>Working Group Mayor’s Office, Chair Habitat Conservation Coalition*, Vice-Chair Sierra Club County of San Diego Citizens Coordinate for Century 3 City of San Diego Building Industry Association Naval Facilities Engineering Command The Baldwin Company McMillin Communities San Dieguito River Park Joint Powers Authority Pardee Construction Company City of Santee U.S. Fish and Wildlife Service The Trust for Public Lands City of Chula Vista San Diego Association of Governments Habitat Conservation Coalition* City of Poway San Diego Wild Animal Park Audubon Society San Diego County Water Authority California Department of Fish and Game San Diego Metropolitan Transit Development Board San Diego Gas and Electric Company Habitat Action Now* The Nature Conservancy Caltrans San Diego County Farm Bureau</p>	<p>Principal Partners The Nature Conservancy Ducks Unlimited U.S. Fish and Wildlife Service New Hampshire Fish and Game Dept. Forestlands Forever* Natural Resources Conservation Service New Hampshire Audubon Great Bay Natl. Estuarine Research Res.</p> <p>Community Partners 24 municipalities Local Conservation Groups (varies)</p> <p>Affiliates U.S. Environmental Protection Agency New Hampshire Coastal Commission</p>	<p>The Nature Conservancy Ducks Unlimited U.S. Fish and Wildlife Service S.C. Department of Natural Resources Downstate Conservancy* Nemours Wildlife Foundation Mead Westvaco Corporation Private Landowners</p> <p>Affiliate ACE Basin National Estuarine Research Reserve</p>

*Indicates pseudonym

Additional Official Participants Recognized in the MSCP

Policy Committee

City of San Diego Mayor, Co-Chair
 County of San Diego Supervisor, Co-Chair
 City of Chula Vista Councilman
 City of Santee Mayor
 City of Encinitas Mayor
 City of Chula Vista Councilman
 City of Escondido Councilman
 City of Poway Mayor
 City of Chula Vista Mayor
 County of San Diego Supervisor
 City of San Diego Councilmember (2)
 City of Del Mar Councilmember
 City of Oceanside Deputy Mayor
 City of Solana Beach Mayor
 Camp Pendleton Marine Corps Base
 Colonel, ex-officio member
 U.S. Navy Commander, ex-officio member

San Diego Dialogue Committee for MSCP**Local Funding**

Federated Department Stores, Chairman
 Sierra Club
 John Burnham & Co.
 Continental Homes
 Center City Development Corp.
 Building Industry Association; Highland
 Partnership, Inc.
 San Diego Natural History Museum
 Fieldstone Communities, Inc.
 Greater San Diego Chamber of Commerce
 Scripps Bank
 SDG&E
 Bank of America
 Mayor of San Diego's Office
 Danielson Trust Co.
 Bank of America
 County Supervisor's Office
 Habitat Conservation Coalition*
 Stoorza, Ziegus & Metzger
 San Diego Dialogue (2), staff
 The Nature Conservancy, staff

Contributors providing input formally recognized in the MSCP Plan

Over 200 scientists, engineers, financing consultants, and representatives from interest groups, municipalities, including:

Resource Agencies

Bureau of Land Management (4)
 California Coastal Conservancy (2)
 California Department of Fish and Game (7)
 California Resources Agency (2)
 U.S. Environmental Protection Agency (2)
 U.S. Fish and Wildlife Service (10)
 Department of the Interior (5)
 Biological Resource Division, USGS

Special Purpose Agencies and Other Groups

California Department of Transportation (2)
 Sierra Club (2)
 Birders' League of San Diego*
 Habitat Action Now*
 California Audubon Society
 Habitat Conservation Coalition* (4)
 The Nature Conservancy (5)
 Center for Natural Lands Management (2)
 National Fish and Wildlife Foundation (2)
 Anza-Borrego Springs Foundation
 Alpine Natural Lands Conservancy
 San Dieguito River Park (2)
 San Diego Zoological Society (2)

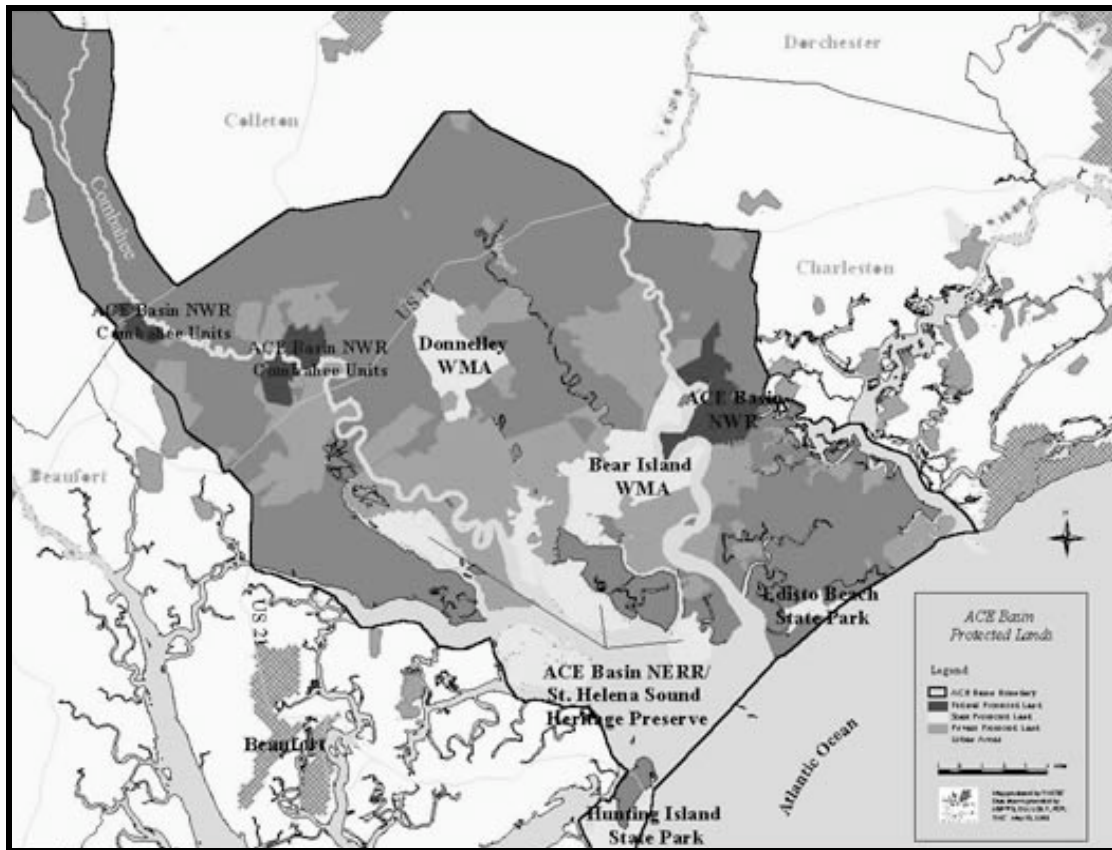
Acknowledged but Unidentified Participants

Unknown number of property owners

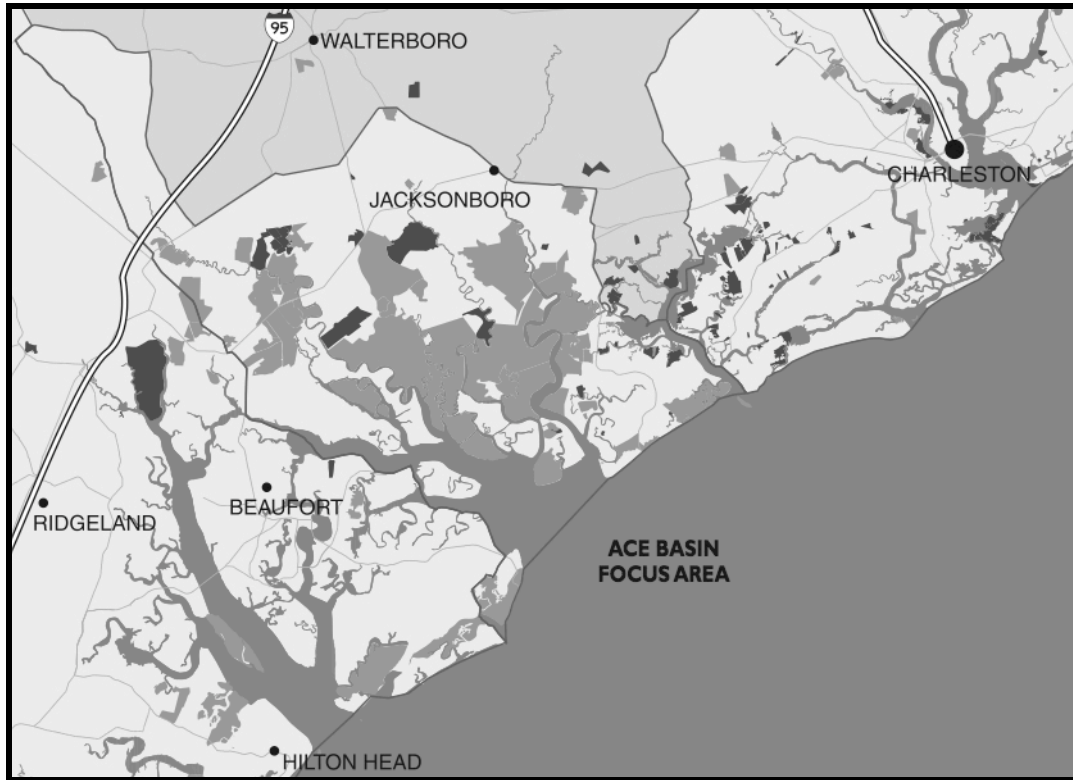
*Indicates pseudonym

APPENDIX TWO

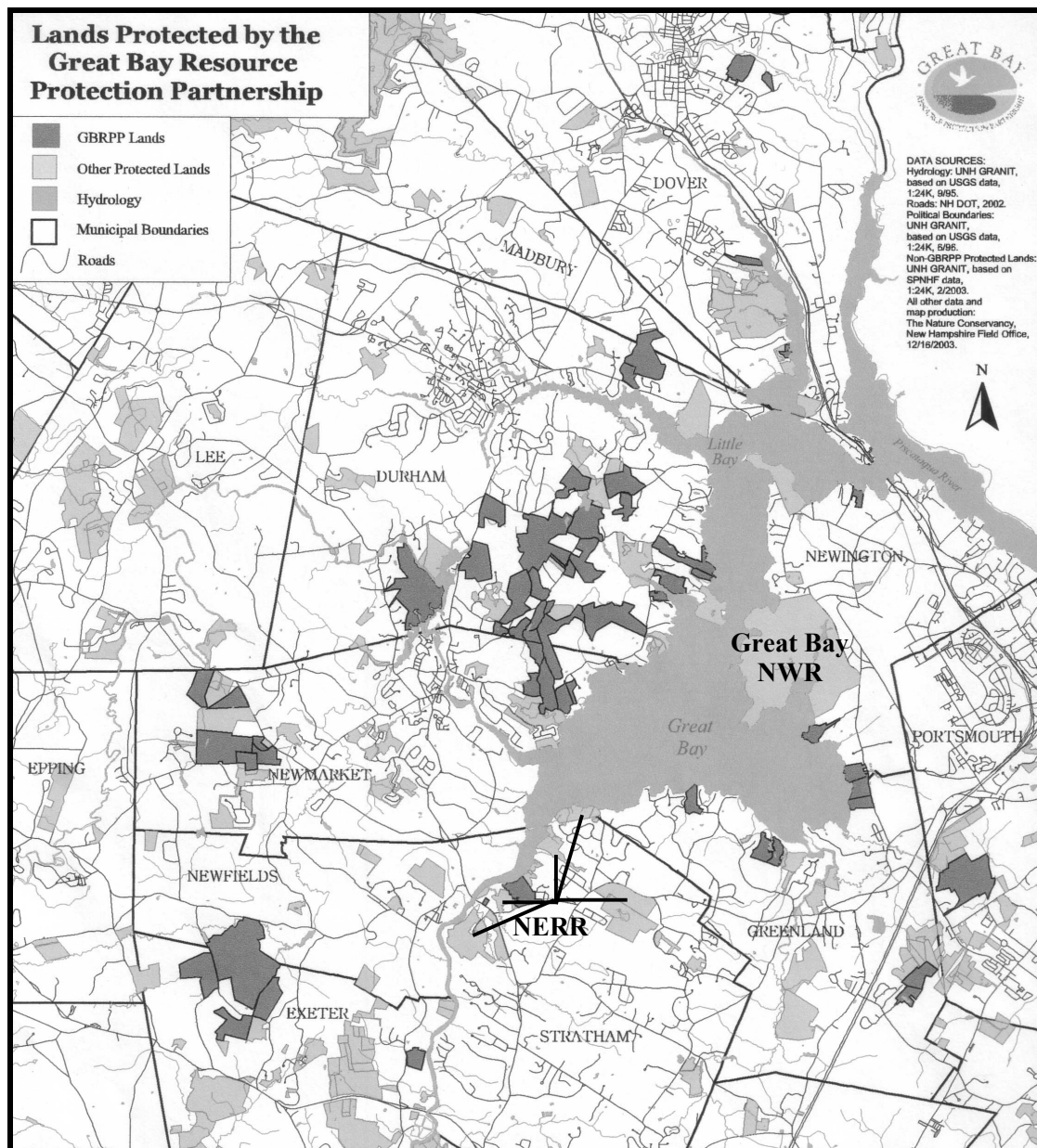
MAPS



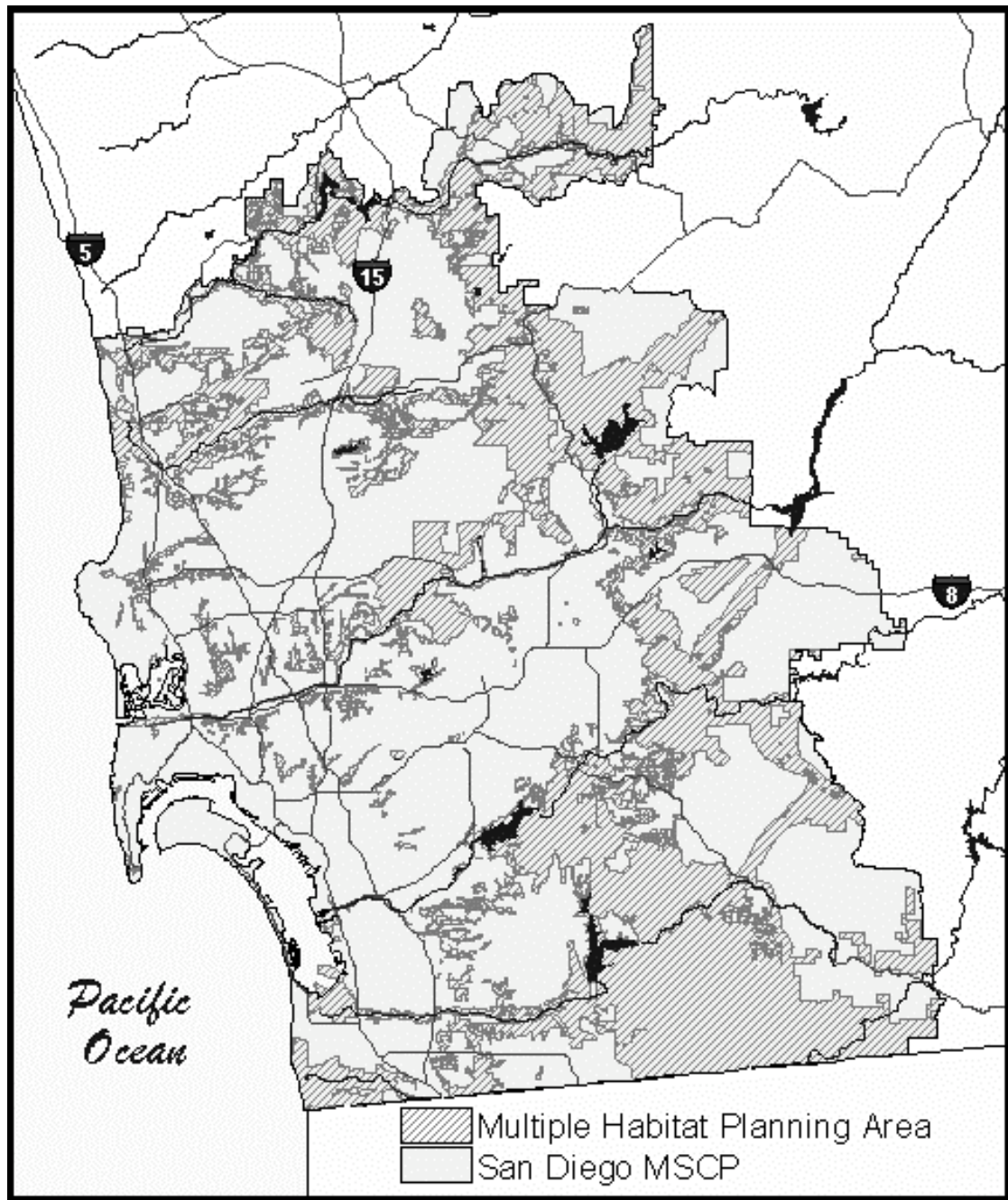
Map 1: Map of publicly-accessible protected lands (federal, state, and county) in ACE Basin. (USFWS 2006, <http://www.fws.gov/acebasin/acebasinproject.jpg>)



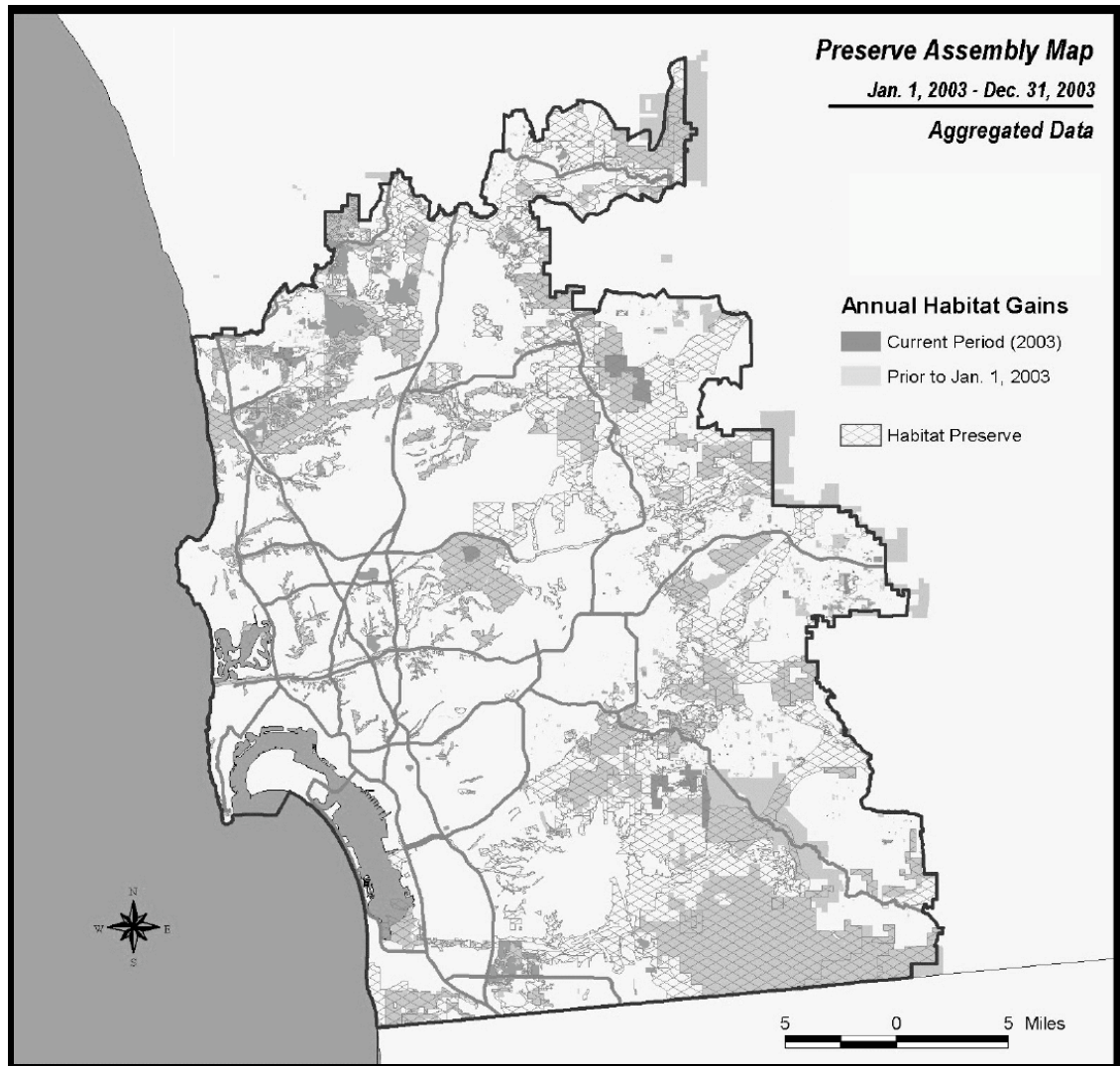
Map 2: Map of Countywide Conservancy protected lands (dark shading) as of December 31, 2003; all other private and public protected lands, lighter shading. (Adapted from Countywide Conservancy Annual Report 2003)



Map 3: Map of federal, state, town, and private protected lands in Great Bay as of December 31, 2003. (Adapted from The Nature Conservancy, New Hampshire Field Office 2003)



Map 4: MSCP map showing Multiple Habitat Planning Area (area within which conservation acquisitions are targeted). (CA Department of Fish and Game 2006, http://www.dfg.ca.gov/nccp/mscp/sd_mhpa.htm)



Map 5: MSCP map showing all conserved land with Multiple Habitat Planning Area overlay (“Habitat Preserve”) as of December 31, 2003. (Adapted from CA Department of Fish and Game 2006, http://www.dfg.ca.gov/nccp/mscp/preserve_assembly.htm)

APPENDIX THREE

STAKEHOLDER INTERVIEW GUIDE

1. Tell me a little bit about what you/your organization does/your role in the project? How did you get involved in the planning process/what were your first concerns regarding executing the project?
2. What is the importance of [your site] to conservation in the area?
3. What values and uses are a priority for your group? How do these differ from other groups? How did you decide on these, or how have they evolved over time?
4. What were the challenges you faced in the project's planning? (Prompts: Environmentally? Socially? Politically? Economically? Visibility? Competing uses? Aesthetics?)
5. What alliances are most important to you to accomplishing conservation? Why is it useful to have such alliances?
6. Would you characterize the local planning process for conservation as strategic, deliberative, or a mix of both? Proactive or reactive?
7. Why are the most effective land conservation projects or organizations effective while others are less so?
8. How well does the conservation community here perform maintenance and implementation? Is it possible to replicate this model? Are there ecosystems or populations that get left out? How do you bring these in?
9. How well does the media cover land conservation and your activities here? What other strategies do you use to keep the public and constituents informed?
10. What changes over time have you seen in strategic planning for conservation? What has been the learning curve?
11. Of what aspect of your role in coastal protection are you most proud? What is the biggest problem facing the area in the future? How has your organization positioned itself to deal with this problem?

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