

Governance of State Wildlife Management: Reform and Revive or Resist and Retrench?

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Governance of state wildlife management has been under scrutiny with respect to its ability to change to reflect the values, norms, and cultural beliefs of contemporary society. This article reviews the existing model of governance for state wildlife management; outlines concerns about this model in light of a changing social context; discusses alternative approaches; and offers considerations for how governance could be reformed to meet societal needs.

Keywords ballot initiatives, boards, commissions, democracy, governance, wildlife management

Citizens are increasingly skeptical of government generally (Orren 1997; Dalton et al. 2004), including governmental bureaucrats (Wilson 2000) and policymakers (Mathews 1994). People are demanding better access to decision-making processes and reform of government institutions that are unresponsive to their needs (Webler and Renn 1995). According to Holland (2003), the traditional government machinery is being reevaluated because of its inflexibility and inability to reflect a diversity of interests. We suggest that a similar trend exists with respect to governance of wildlife management in many states. That is, critics of the board/commission system for governance of state wildlife management (Beck 1998, Patterson et al. 2003, Nie 2004) have called for evaluation and reform to reflect fully the values, norms, and cultural beliefs of contemporary society.

The purpose of this article is to review the existing model of governance for state wildlife management; outline concerns about this model in light of a changing social context; discuss alternative approaches; and offer considerations for how governance could be reformed to meet the needs of society.

Governance

In the most general terms, governance in a democracy is state rule by the people (Catt 1999). Although democracy has both philosophical and practical components, this article is concerned with the practice of democracy (i.e., the processes facilitating

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decision making and implementation of actions—governance) vis-à-vis wildlife management by states. Catt (1999) identified three primary types of democratic procedures: *representative*, *direct*, and *participatory*. Although each procedure can be used for decision making, typically wildlife laws and regulations made at the state level are the products of representative democracy.

Representative Democracy: The Status Quo

Representative democracy is the election of elites responsible for making decisions (i.e., laws) in the best interest of the public (Catt 1999). Elected officials enact broad laws for wildlife management, but in most states an appointed board or commission/commissioner interprets such laws by adopting policies and setting specific regulations that are implemented by state wildlife agencies. Although states vary (e.g., some states have only one commissioner), policymaking bodies normally host regular public meetings and adhere to public participation requirements (e.g., state administrative procedures acts) that permit the public to comment on proposed regulations and policies. In terms of decision-making models, the process by which boards/commissions make decisions can be considered an extension of representative democracy because members of the decision-making bodies (1) are appointed by elected representatives; (2) often are statutorily required to represent specific interests; and (3) are responsible for making decisions in the best interest of wildlife and the public. According to Mitchell (1997), the concept of boards and commissions emerged during the Progressive era because of concerns that elected officials or solitary administrators were less able than appointed citizens to represent the public interest. Thus, when the idea emerged a century ago, boards/commissions were a reform measure to insulate state fish and wildlife agencies from political influence (American Game Association 1930) and to ensure that stakeholder interests were represented in the wildlife policymaking process. At the time, the primary stakeholders were consumptive users (i.e., hunters and trappers) and agriculturalists (Patterson et al. 2003). Consumptive users were and continue to be the main funding source for wildlife management, initially via revenue from hunting and trapping license sales and later via a federal excise tax on firearms, ammunition, and archery equipment (Trefethen 1961).

Today, demographic and socioeconomic forces such as population movement (e.g., suburban sprawl, transportation and residential development) and aging, economic growth (e.g., resource extraction, commercial and industrial development), and changing patterns of participation in outdoor recreation have resulted in new, diverse, and interested stakeholders with growing expectations for state wildlife management. As traditional funding for state wildlife agencies becomes inadequate because of increasing demands and higher costs of wildlife management, most states are seeking alternative funding (e.g., state general funds, revenue from sale of wildlife license plates or tax check-offs). Success in finding new sources of funding typically results in expectations for increased accountability to a broader stakeholder constituency. Because of the historical relationship with consumptive users, a challenge unique to state wildlife management agencies is how to expand their constituencies in terms of funding and services offered without alienating traditional stakeholders (Jacobson and Decker 2006). Putnam (1993, 179) notes that tensions emerge as institutions “bearing the imprint of the past” try to address current and future problems.

In addition, the situation with respect to public input and involvement has evolved in recent decades, to where some scholars and members of the public, particularly nonconsumptive wildlife interest groups, believe that bias is inherent in the state wildlife management governance structure. Critics (Pacelle 1998; Gill 2004; Nie 2004) contend that access to decision-making processes is unequal, not necessarily because of the formal structure of the boards and commissions, but because of historical and cultural barriers to participation (e.g., representatives are primarily consumptive users). Decker et al. (2001) note that the "science" and practice of wildlife management was originally designed to serve the needs and interests of consumptive users and that this bias impacts public perception and support for wildlife agencies and policy makers. It has been suggested that reform of boards and commissions should start with appointment of members that better represent the breadth of contemporary society's interests and concerns regarding wildlife, not just consumptive users (Nie 2004).

Direct Democracy: Indicators of Societal Pressure for Reform

The emergence of direct democracy resulted from concerns among populists and progressives that representative democracy, specifically elected representatives, was captured by special interest groups and therefore could not represent the collective good (Bowler and Donovan 1998). Ballot initiatives and referenda, forms of direct democracy, regarding wildlife issues have become common in the last 50 years (Williamson 1998; Eliason 2001). The increased use of such avenues for direct democracy may be an indicator of widespread dissatisfaction with the representative system in place, an attempt by interest groups to influence public opinion to achieve an end they could not achieve through the representative process, or both.

Twenty-four states have provisions for ballot initiatives, and all states have some mechanism of direct democracy (e.g., referenda or recall) available for their citizens (Alexander 2002). Of the states that have a ballot initiative option, nearly all have had some type of natural resources initiative, and many have had wildlife initiatives appear on a ballot. Nearly all sought to prohibit certain means of hunting or trapping (Minnis 1998). Many wildlife professionals have concerns about wildlife being managed by ballot initiative or popular referenda because they believe such measures are based on public opinions versus scientific judgments (Whittaker and Torres 1998), reduce complex biological and social issues to single-dimension dichotomous decisions (Papadakis 1996), and do not stem from information exchange and discussion among wildlife agency professionals and stakeholders (Loker et al. 1998).

Others in the wildlife profession and nongovernmental organizations interested in wildlife believe that ballot initiatives or referenda indicate fundamental flaws in the normal processes of the state wildlife management institution (Beck 1998; Pacelle 1998; Cockrell 1999). These critics suggest that the current norm of exclusive and rigid institutional culture results in wildlife regulations and policies unreflective of contemporary needs and interests of society with respect to wildlife management. Pacelle (1998) notes that unequal access to wildlife decision-making bodies and processes leaves citizen activists with no other alternative to affect wildlife policy. Minnis (1998, 81) suggests that for those who do not share the values that underlie the consumptive use of wildlife, "direct democracy may be the best way to reform wildlife management practices in a bureaucracy that many of them [animal protectionists] feel is catering to consumptive use interests." Loker et al. (1994) contend

that in Colorado, a ballot initiative banning three methods for black bear (*Ursus americanus*) hunting (spring bear hunting, the use of bait, and the use of dogs) might have been avoided had the Colorado Wildlife Commission been more responsive to public concerns about spring bear hunting, one of the three practices prohibited by the outcome of the ballot initiative.

Participatory Democracy: The Panacea?

Concerns about the ability of agency governance structures to address contemporary natural resources issues has spurred a growing interest in the use of a more participatory decision-making approach (Ryan 2001; Stankey and McCool 2004). Participatory democracy—often referred to as deliberative democracy or collaborative decision making—is simply civic governance by deliberation. The distinguishing feature of participatory democracy as compared to representative and direct democracy is emphasis on communication among citizens and subsequent consideration of the viewpoints of others (Mathews 1994). The popularity of the participatory democracy ideal increased during the last half century (Catt 1999; Beierle and Konisky 2000). Many scholars consider this trend to be positive; others are more critical about the practical implications of a deliberative approach. Much of the debate focuses on the competence of citizens to participate in substantive deliberations about political issues (Soltan 1999). Other issues of concern include the lack of citizen authority to implement policies (Mathews 1994); the need for cost-benefit analyses to justify efforts to facilitate citizen participation; minimal citizen interest in participating in governmental affairs; problems with the imposition of a deliberative democratic model on governance structures (e.g., elected officials, bureaucracies) that were not designed to encourage citizen participation; and unrealistic expectations for the outcome of collaborative efforts (Kweit and Kweit 1981). Catt (1999) stresses that participatory democratic approaches are more successful when (1) there is a high degree of equality between members of the decision-making body; (2) a consensus-based decision-making process is feasible; (3) the group is fairly homogeneous and small; and (4) decision makers support the participatory process. Subsequently, the author questions the utility of participatory democracy for highly polarized, value-laden issues such as those that often emerge in state wildlife management (e.g., predator control, trapping). Others (Elliott et al. 2003) contend that it is possible to resolve seemingly intractable environmental conflicts by helping stakeholders reframe issues (i.e., develop new ways of interpreting issues or understand others' viewpoints) via participatory processes.

Some state wildlife management agencies have embraced a more deliberative approach. Evidence for this tendency is in the increased use of citizen advisory groups and strategic planning efforts (Webler and Renn 1995; Gill 2004; Lafon et al. 2004). As with most institutional reforms, the shift from an authoritative to a more transactional model (Decker and Chase 1997; Chase et al. 2004) of decision making has been slow and has not been embraced at all levels. Gill (2004) cautions that increasing citizen participation without offering citizens shared decision-making power is disingenuous and can erode agency credibility. Research evaluating citizen-participation efforts from the perspective of participants provides support for this concern (Chase et al. 2004; Mascarenhas and Scarce 2004). For example, in their study of two communities experiencing wildlife-management conflicts, Chase et al. (2004) found that citizen influence regarding decisions, among other quality

attributes, was considered by citizens to be an important element of a successful public involvement process.

Although some natural resources agencies have used various forms of collaboration for many years, the effectiveness of this decision-making framework in different contexts is debated among scholars (Stout and Knuth 1994; Beierle and Konisky 2000; Mascarenhas and Scarce 2004). Nie (2004) questions whether initiators of ballot measures will be willing to compromise and accept incremental policy change that is often the outcome of legitimate collaborative efforts. In their study of forest land planning in British Columbia, Mascarenhas and Scarce (2004) identified factors that residents perceived to be important in the success of forest planning processes in the province. The researchers found that *legitimacy* was the defining element of a successful collaborative process. From the respondents' perspectives, legitimacy had three primary components: fair representation, appropriate government resources, and a consensus-driven decision-making process. Similarly, Lauber and Knuth (1997) found that evaluations of decisions made by the New York State Department of Environmental Conservation regarding moose management were closely related to perceptions of the public process (particularly fairness) used to help inform those decisions.

Concluding Remarks

Patterson et al. (2003) observe that the institution of state wildlife management emerged in a particular social context (i.e., particular values, interests, needs, etc.) vis-à-vis human-wildlife interactions. They and many other authors (Heberlein 1991; Manfredo et al. 2003; Gill 2004) have argued that the social context has changed significantly over time, especially during the last 30 years. State wildlife agencies, their governing bodies, and their policies, Patterson et al. (2003) argues, must evolve as well. If wildlife boards/commissions do not reflect broad societal norms and values, it is likely that their legitimacy will be questioned by society, and their long-term viability will be uncertain (Scott 2001).

Manfredo et al. (1997, 38) ask, "What processes might be developed that retain the democratic nature of ballot initiatives, but promote an informed basis for decisions and allows compromise alternatives to evolve?" The authors suggest that the solution may lie in reform of the existing governance structure, particularly by shifting to a more participatory decision-making processes. Nie (2004) contends that reform of existing governance structures is needed and recommends that a more inclusive collaborative decision-making structure in lieu of or to complement the commission/board process be considered. Large-scale change, however, is slow and tends to be met with resistance in an established institution, particularly in situations where historical dependencies exist (Pfeffer and Salancik 2003), like that with state wildlife management governance.

An alternative to a revolutionary change in governance structure (i.e., a "shift" rather than a "revolution" in the governance paradigm) for state wildlife management might be adaptation of existing structures that (a) improves representative membership on boards and commissions, (b) increases efforts via social science inquiry to understand beliefs and attitudes of various segments of stakeholders in management, and (c) develops meaningful participatory decision-making processes appropriately focused and scaled for specific issues and situations. That is, rather than shifting to an entirely different governance structure, the traditional

representative model could be modified, and systematic social science information and participatory elements could be incorporated as appropriate. As agencies seek nontraditional funding to support state wildlife conservation and management, a more broadly representative and flexible governance model will help establish relationships with and improve accountability to a broader stakeholder base that will have greater inclination to provide funding for wildlife management (e.g., via tax dollars, revenue from license plates, user fees). Although this approach would be unlikely to eliminate concerns of all stakeholders or avoid entirely the use of direct democracy, it may improve actual and perceived agency responsiveness to public needs and interests, help build long-term partnerships, and increase public trust of agencies (Beierle and Konisky 2000).

Pivotal to reform of state wildlife management governance is adoption of a new philosophy. As we look to the future of wildlife management in hopes of increasing effectiveness of governance by a more inclusive approach, embracing needs of a broader set of stakeholders, we wonder whether a viable premise is this:

“Good” wildlife management is not simply exercising authority over, steadfastly retaining control of, or even taking sole responsibility for wildlife resources; good management is wisely managing the sharing of responsibility for wildlife conservation with stakeholders. (Decker et al. 2005, 234)

This philosophy might be viewed as a major paradigm shift to some wildlife professionals, decision makers, and stakeholders. But we are confident that the reorientation suggested will help realign the governance structure for state wildlife management, a reform that could be reasonably anticipated to help this institution better reflect the needs and interests of contemporary society.

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