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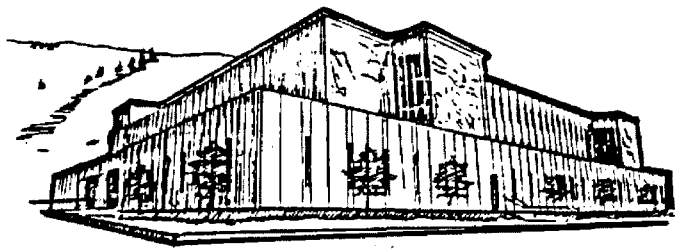
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University of  
**Montana**



**AN EXAMINATION OF THE DECISION-MAKING PROCESS  
OF THE WOLF MANAGEMENT COMMITTEE NEGOTIATIONS**

**A Case Study**

**by**

**Alethea Woelk Thieszen**

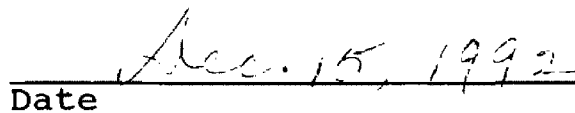
**B. A., Bethel College, KS 1974**

**Presented in partial fulfillment of the requirements  
for the degree of  
Master of Science  
University of Montana  
1992**

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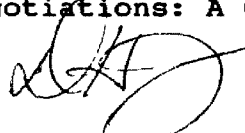
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An Examination of the Decision-making Process of the  
Wolf Management Committee Negotiations: A Case Study

Director: David H. Jackson



In late 1990, Congress enacted legislation calling for the appointment of a Wolf Management Committee to prepare a reintroduction and management plan for gray wolves (Canis lupus) in Yellowstone National Park and the Central Idaho Wilderness Area. The Committee consisted of ten members representing the Fish and Game Departments of Idaho, Montana, and Wyoming, the National Park Service, the U.S. Forest Service, the U.S. Fish and Wildlife Service, conservation organizations, and the livestock and hunting community. The Committee met six times in early 1991 to prepare a plan which was forwarded to Congress in May of that year. The plan failed to meet the Congressional mandate, requiring special Congressional action to implement because it was outside the parameters of the Endangered Species Act.

This paper presents a descriptive narrative of the events and group dynamics of the negotiations of the Wolf Management Committee and briefly examines them in the context of negotiation theory. Information was gathered through personal interviews and questionnaires of fifteen Management Committee and technical committee members and one observer. Both committees are described in terms of structure, members, level of knowledge about wolves, interpersonal relationships, and negotiation dynamics such as outside influences, mindset, cooperation, and emotions.

## ACKNOWLEDGEMENTS

Thanks go to Wolf Management Committee members Galen Buterbaugh, George Bennett, Jerry Conley, K. L. Cool, Hank Fischer, Jim Magagna, Lorraine Mintzmyer, John Mumma, and Pete Petera; Technical Committee members Renee Askins, Michael Bean, Wayne Brewster, Jim Claar, Arnie Dood, and Pat Tucker; and Dan Neal of the Casper Star-Tribune, Casper, WY., for taking the time to respond either to interviews or questionnaires; Sharon Rose and Barbara Henry of the U.S. Fish and Wildlife Service, Denver, CO., for supplying copies of documents as needed; Professor David H. Jackson, who as my advisor allowed me the freedom to pursue qualitative research, even though his heart is in quantitative methods and who generously provided funds to an otherwise unfunded project; and Professors Jon J. Driessen, Daniel H. Pletscher, and Ronald Wakimoto who as advisory committee members encouraged me to take the step to do a thesis.

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**AN EXAMINATION OF THE DECISION-MAKING PROCESS  
OF THE WOLF MANAGEMENT COMMITTEE NEGOTIATIONS**  
A Case Study

**INTRODUCTION**

After a lengthy, controversial history of attempts to get the Northern Rocky Mountain Wolf Recovery Plan (U.S. Fish and Wildlife Service 1987) written and implemented, Congress enacted legislation in late 1990 providing for the appointment of a Wolf Management Committee. The specific charge to the Committee was to develop a plan for reintroduction and management of gray wolves (Canis lupus) in Yellowstone National Park and the Central Idaho Wilderness Area (Public Law 101-512, November 5, 1990, 104. STAT 1915). The Committee<sup>1</sup> met for the first time on January 23, 1991, with a deadline of May 15, 1991, imposed by Congress. Over the course of the next four months, the Committee met six times to answer the charge of Congress (Wolf Management Committee Minutes 1991).

The purpose of this thesis is to present a descriptive narrative of the events and group dynamics of those meetings and briefly examine them in the context of negotiation theory. The Wolf Management Committee and its technical committee are each described in terms of structure, members, level of knowledge about wolves, interpersonal relationships, and negotiation dynamics such as outside influences, mindset, cooperation, emotions and underlying conflicts.

## HISTORICAL PERSPECTIVE

It is necessary to examine the historical context of the controversy over the proposed wolf reintroduction into Yellowstone National Park in order to set the stage for the establishment of the Wolf Management Committee. From the time of the release of the first recovery plan, supporters of wolf recovery have pushed for funding for an Environmental Impact Statement (EIS) which would be the first step toward implementation of the recovery plan. Opponents have continually blocked the funding.

The gray wolf was listed as an endangered species with the enactment of the Endangered Species Act in 1973 [87 Stat. 884; 16 USC 1531 et seq. as amended; hereinafter referred to as Endangered Species Act (ESA)]. By 1977, the first draft of a recovery plan was written. It was approved in 1980, but its weaknesses were so obvious that conservation organizations, scientists, and others insisted on immediate revision of the plan and inclusion of reintroduction of wolves into Yellowstone National Park (YNP) (Little 1991).

Rewriting of the recovery plan began in 1982, amid growing controversy. Stockmen, hunters, and anti-conservationists successfully lobbied Congressmen from Wyoming, Montana, and Idaho to join the fight against wolf reintroduction in YNP. National Park Service (NPS) Director Russell Dickenson was so influenced by the anti-wolf campaign that he denied that any reintroduction effort was underway

(McNamee 1986, Little 1991).

In 1985, conservation groups persuaded Yellowstone National Park Superintendent Robert Barbee to allow the Defenders of Wildlife exhibit, "Wolves and Humans", to be displayed in the Park. The exhibit was seen by approximately 250,000 Park visitors (Little 1991). At the same time, a survey found that 75% of YNP visitors polled supported reintroduction (McNaught 1987). New NPS Director William Mott hinted indirectly at the annual meeting of the Greater Yellowstone Coalition that he was in favor of wolf recovery in Yellowstone (McNamee 1986). Late in 1986, as the revised draft Recovery Plan was awaiting approval by U.S. Fish and Wildlife Service Director Frank Dunkle, wolf proponents were feeling hopeful that the reintroduction plan would finally move forward (McNamee 1986, O'Gara 1986).

The final recovery plan was approved in 1987 by the National Park Service and the U.S. Fish and Wildlife Service. NPS Director Mott immediately ordered the preparation of an environmental impact statement (EIS) (Little 1991). In September of that year, FWS Director Dunkle, a former director of Montana Fish, Wildlife Parks, promised timber-industry officials that he would not allow the Fish and Wildlife Service to fund any wolf recovery work. "The wolf stops at my desk," he said (Steinhart 1988). While public support across the U.S. had been continuously growing, Western Congressmen were ever mindful of their powerful constituents in the

ranching and hunting industries and issued public statements opposing wolf recovery. Idaho Senator Steve Symms warned children that wolves pose a real danger to humans. Wyoming Senator Alan Simpson claimed that wolves eat people. Montana Senator Conrad Burns predicted "there'll be a dead child within a year," following return of wolves to Yellowstone (Williams 1990). Montana Representative Ron Marlenee declared that wolves breed like cockroaches and would fan out across the countryside to devour sheep and cattle by the thousands (Little 1991). Montana and Wyoming congressional representatives also pledged to stop the National Park Service from funding any EIS directed at wolf reintroduction (Steinhart 1988).

Richard Cheney, then Representative from Wyoming wrote a letter to Secretary of Interior Donald Hodel, stating, "I just wanted you to know that I'm every bit as committed to preventing introduction of wolves to Yellowstone as Bill Mott is to put them there. If he wants to fight, I'm ready" (Little 1991). In a letter to Mott, he wrote, "I don't know how to make myself any clearer on wolf recovery. I am strongly opposed to it. I would like to see some evidence that officials in your department get the message." Director Mott then announced that he was putting the recovery plan on hold (Cohn 1990).

In 1988, Utah Congressman Wayne Owens, fed up with the constant delay, introduced a bill requiring wolf

reintroduction forthwith (Skow 1989). Hank Fischer of Defenders of Wildlife and other conservationists persuaded him to change the bill to call for an EIS as a politically more palatable approach (Cohn 1990, Little 1991). Pro-wolf lobbyists made the rounds and convinced House members to appropriate funds to conduct the EIS. Once again, the "Rocky Mountain Curtain of anti-environmentalist senators," (Little 1991) Symms, Simpson, Malcolm Wallop (WY), and James McClure (ID), rose to the occasion to block the EIS funding (Cohn 1990). Senators McClure and Simpson declared that Owens' bill did not provide enough protection for ranchers' interests (Cohn 1990). Senator McClure wielded a lot of power as Chair of the Senate Energy and Natural Resources Committee which wrote appropriations bills for the Department of Interior. He agreed instead to support special appropriations for the "Yellowstone Congressional Studies" (Cohn 1990, Little 1991).

In 1989, a public opinion poll showed that a majority of Wyoming residents favor wolf reintroduction into Yellowstone (Noreen 1989). Opponents continued to be outspoken. Carolyn Paseneaux, future member of the Wolf Management Technical Committee and Director of Wyoming Woolgrower's Association said, "The howl of the wolf is a real macho, sexy sound to some, but to ranchers it can be the sound of death. Ranchers fear they would not have any means of control over wolves. If wolves left the park, there could be a mass slaughter and could lead to a Jim Jones scene at calving time." Larry

Bourret of the Wyoming Farm Bureau pronounced that wolf reintroduction amounted to importing an exotic species (Noreen 1989).

The amended Owens bill, now calling for an EIS instead of reintroduction, was under consideration by the House of Representatives. James Ridenour, NPS director, called the bill "clearly premature", stating that he wanted no EIS done until the Yellowstone studies were finished. Rep. Marlenee declared the bill to be "blatantly anti-sportsman." Rep. Young (AK) criticized it as "meddlesome" and called wolf proponents "romantic". Rep. Craig (ID) said that he would support stockmen killing wolves in defense of their animals. Rep. Hensen of Utah called the bill "foolish" (AP 1989a).

In mid-1990, the Yellowstone Congressional Studies report, "Wolves for Yellowstone?," was released. The report concluded that wolves could be reintroduced into Yellowstone without any of the serious negative effects that so many opponents had feared (Cohn 1990, Melnykovich 1990). Wyoming Game and Fish Director Francis "Pete" Petera, future member of the Wolf Management Committee, commented on the report. "Anyone reading this report who is in the business of wildlife management next to the national park shouldn't feel too comfortable about the whole idea" (Wright 1990). Jim Magagna, future member of the Wolf Management Committee and sheep rancher near Rock Springs, Wy., suggested that ranchers can lose animals to bears, eagles, and coyotes and complained "now

they want to add one more factor . . . Can't they be satisfied just to have coyotes in Yellowstone?" (Satchell 1990).

Perhaps concerned that the movements of wolves naturally recolonizing northwest Montana could bode ill for flexible management of wolves in Yellowstone, Senator McClure introduced a bill proposing reintroduction of three wolf pairs into Yellowstone and encouraging populations in the Bob Marshall Wilderness Complex and the Selway-Bitterroot Wilderness (AP 1989b, Williams 1990). However, the bill also proposed that wolves would lose their endangered status outside the Park and that management authority be turned over to the States (Wright 1990). The bill was promptly opposed by proponents of wolf recovery. Meanwhile, the House once again approved money for an EIS and once again Senator McClure blocked it. Once again, he came up with what he called a compromise. Funds were approved for a Wolf Management Committee to be appointed by Department of Interior Secretary Lujan that would bring together all parties affected by the reintroduction issue to develop a reintroduction and management plan (Cohn 1990).

Rep. Marlenee reacted strongly. "The Committee has been stacked with a pre-determined bias to reintroduce the wolf . . . The Secretary himself (Lujan) has been sold down the river. The environmental activists have eaten his lunch . . . if Hollywood made a movie of what's been going on . . .



they'd have to title it 'Dunces with Wolves'" (Lindler 1990). Executive Vice President Andy Neal of the Montana Farm Bureau reported that the Bureau asked Governor Stephens not to permit K. L. Cool to serve on the committee, saying Montana should not support "a process in which the deck has been stacked" (Lindler 1990).

The Idaho Cattle Association and Senator Symms asked Governor Andrus of Idaho to pull State Fish & Game Director Jerry Conley off the committee in protest of what they perceived as Idaho's under-representation. The Governor refused, saying he "wants Conley to remain on the panel so he can remain apprised of the committee's progress." Senator Symms' spokesman, David Pearson, threatened more stonewalling, declaring that by "omitting Idaho ranchers and conservationists from the panel, the final plan could be dead on arrival in Congress" (AP 1990).

Following their appointments to the Committee, Pete Petera and Jim Magagna both made public comments. Petera complained that the Committee's deadline of May 15 appeared too fast for him. Magagna suggested that the deadline "doesn't leave any time for anyone to do any research . . . [and] doesn't provide enough time to allow adequate public input" (AP 1991).

On January 23 and 24, 1991, the Wolf Management Committee met for the first time, charged with the responsibility of developing a plan for reintroduction and management of the

gray wolf in Yellowstone National Park and central Idaho. A  
May 15, 1991, deadline was imposed by Congress.

# CHAPTER 1

## METHODS

### INTRODUCTION

This chapter will introduce the research and analysis method, discuss respondents and their language, and present observations about the nature of the responses.

### THE CASE STUDY METHOD

The subject of this study is the investigation of the factors involved in the decision-making process of the Wolf Management Committee. Therefore, the case study method was used to conduct the research for this project. Case study research typically focuses on questions that ask how and why. Those types of questions lead an investigator to the discovery of "what happened." Case studies concentrate on contemporary events and neither require nor allow control over behavioral phenomena. Sources of information are direct observation, participant-observation, systematic interviewing, documents, physical artifacts and archival information. Case studies can be single- or multiple-case studies, and may be exploratory, descriptive, explanatory, or a combination of these types (Yin 1984). The descriptive, single-case design was chosen because the Wolf Management Committee was a single, unique event that may never be repeated in this exact format.

Information was gathered through interviews and from documents. Case study research is often akin to playing detective (Yin 1984) because people may make comments that need to be further investigated by tracking the information through several sources.

### **The Interviews**

One-on-one interviews were conducted with seven Wolf Management Committee members and six technical committee members, either in person or by telephone. The interviews were tape-recorded and later transcribed. Responses from two Committee members were obtained by questionnaire.

The interview method is preferred over the questionnaire/survey method. It is a more desirable means of obtaining the story, i.e., getting the details in a manner that is not possible without an impossibly lengthy questionnaire. Surveys can try to deal with phenomenon and context, but their ability to investigate the context is extremely limited (to numbers of variables, numbers of questions, numbers of respondents, etc.) (Yin 1984).

A list of questions was developed to begin the interview phase (see Appendix). As the research progressed and information was accumulated, questions were added or changed as new information was revealed, or deleted when a particular question became obsolete.<sup>2</sup>

### **The Respondents/Informants<sup>3</sup>**

The case study does not represent a "sample;" the investigator's goal is to expand and generalize theories and not to enumerate frequencies (Yin 1984). The number of people who could be interviewed from either committee was fixed at 22, rendering a meaningful random sample useless and impossible to derive. Additionally, the focus of this study was the group decision. Therefore, it was desirable to interview as many of the total population as reasonably possible. As the interviews progressed, respondents made suggestions of other people who could be interviewed that were not a part of the process, but attended meetings in an observation capacity. Only one of those persons, Dan Neal of the Casper Star Tribune, was interviewed in order to use a source from a different perspective. The decision to interview only one person outside the committees was also a result of the ever enlarging pool of people who could be interviewed and the need to confine a reasonable number of interviews to the given time frame allowed for conducting the research.

When conducting research through interviews, a phenomenon termed "saturation" occurs; i.e., the interviewer begins to hear the same information repeatedly, no matter who is interviewed (Glaser and Strauss 1967). Saturation began to occur in a general way very early in this research no matter which side the person represented. However, in most cases,

the people were able to provide greater information on some events, ensuring the necessity of continuing with the interviews. Once saturation is reached on a given topic, the investigator should seek out sources of opposing information on the same topic (Douglas 1985). Only in this way is an investigator able to piece together the whole story. The fourth interview with a Committee member appeared, at the time, to be the first instance of a different version. Nearly all information reported by that person was in opposition to what had been revealed in the first three interviews. It almost seemed as if he was giving answers that were just the opposite of the answer he thought was being sought. When combining his information with that of other people during the analysis phase, it was apparent that his version was the opposite of the stories of nearly all of the other members.

A second phenomenon that may occur during research interviewing is the appearance of "superinformants" (Douglas 1985). A superinformant is an extraordinarily observant person with a significant amount of life experience, seeking wisdom and human understanding in a certain area of life. Such a person has a great deal of self-understanding and has spent much time observing and analyzing some aspect of human life. The superinformant becomes critical to interview research because of that superior level of human understanding and insight.

During this research, the conservation representatives

became superinformants. They appeared to have a unique ability to understand the underlying influences that affected the workings of the Committee. The reasons for that understanding are not apparent through the interviews. It may simply be that conservation representatives were able to speak more freely than any other member since they "lost" in the final vote and, therefore, didn't have to defend the final product, didn't have constituencies to placate/satisfy/pacify, and didn't have jobs to protect as did the other Committee members. It may also be that through many years of experience with controversial issues conservationists have developed a deeper understanding of underlying influences on processes such as this Committee, although many were surprised by the level of lobbying by outside influences. Consequently, an effort was made to talk to all the conservation representatives.

### **Method of Analysis**

Topical analysis was used to evaluate the content of the interviews (Driessen n.d.). Topical analysis is a method typically used to examine open-ended narrative for key topics. The narrative is obtained through open-ended questions that ask an informant to describe a certain experience. Within that narrative are found the key ideas, the topics, mentioned by the informant. However, since this research was designed primarily to examine negotiation theory, key topics were

mentioned in the interviewer's questions. Nonetheless, many informants expanded their answers to a single question and included other topics. People's interpretations of the questions were not always identical, nor did they necessarily answer the question or discuss the topic the investigator had in mind. Thus, topical analysis was a useful method of evaluation.

This method involves searching the narrative of the interviews for topics and themes, highlighting them in the text, and then rearranging all of the same topics from all of the interviews together to form a rough manuscript.<sup>4</sup>



### NATURE OF RESPONSES

A case study which uses interviews as the primary method of data collection has some inherent weaknesses. First and foremost, where different participants have different versions of the same event, objective truth may not exist (Yin 1984). However, by searching for instances of oppositional information after saturation occurs, the truth emerges (Douglas 1985). Some shortcomings of the interview process include selective memory, passage of time since the original event, the tendency of the human mind to change thoughts in mid-answer, and deliberate avoidance of a question or change of subject.

Weaknesses specific to this case include the tendency of public agency representatives to talk in "agency-ese", a de-personalized, general language designed to uphold the agency line and to avoid putting their job at risk. Most people had files of notes that could have been reviewed but were not. Having been told of the interview subject prior to the interview resulted in some people planning what they were going to talk about. In some cases, very little useful information was provided after the informant's topic was exhausted.

## Response Problems

Two particular difficulties arose with this research. The first was a lack of preparation for the interview by those interviewed. In all cases but two, appointments for the interviews were scheduled at least two days prior to the date of the interview. In the majority of cases, people had one week's notice of the upcoming interview. Despite advance notice, all respondents failed to review their files prior to the interview. Almost every person made a comment to the effect that he or she should have taken some time to review their files. One person, acknowledging that he felt "stupid" because of his lack of memory, did interrupt his interview to go get his files. In one instance, the interview was conducted on the spot when the interviewee and interviewer had been playing telephone tag for a couple of weeks and finally managed to reach each other. Nevertheless, the interviewee knew the subject of the interview, since at least two messages had been left explaining the nature of the desired interview. Therefore, ample time had been available for review of files. While recognizing the busy schedules of Committee members, reviewing the files, even briefly, would have refreshed the memories of the informants, providing greater detail instead of more generalities.

The second difficulty was the passage of time. One year had passed since the conclusion of the Wolf Management Committee negotiations. Time elapsed since the original event

naturally decreases the details that are remembered so that general observations are then reported with a subsequent lack of supporting details. However, most respondents were able to recall vividly those details that were most important to them, enabling the investigator to piece together the "truth", because what was important to each person was in many cases different from that of other people.

### **Observations about Interviews**

Certain events unique to particular interviews are worth noting. Some informants emphasized a particular point about the negotiation process throughout their interview. One member of the technical committee repeatedly emphasized how politically sensitive the Committee's mandate was. He mentioned that he had previously had assignments like this, though not quite this politically sensitive. He talked about dealing with a subject like the wolf that's very politically sensitive and how the taking of game animals by wolves is exceptionally controversial among the public. The politically sensitive nature of the issue turned out to be an important component of the process.<sup>5</sup>

One Committee member expressed his frustration with the process numerous times, saying that he got very irritated at the whole process, especially at the extremely short time frame the Committee was given to complete the task. "We had a very specific, a very difficult if not impossible task to

accomplish in an extremely short time frame." He expressed frustration at the need to educate some of the Committee members about wolves saying, "we had a mandate that says to prepare a plan to reintroduce, it didn't say to study them." He also expressed frustration at the unwillingness of some Committee members to bargain in good faith, saying, "Well, you know we've given it our best shot. Our report's due tomorrow . . . It's obvious that some of you have just taken a position. You worked on the process. And then you don't bargain in good faith right here at the end."

A technical committee member spoke several times of how the whole process took much longer than it should have because all the members were familiar with the issue. It had been going on for several years. At one point, she said, "I mean, this is just not a new issue."

Some people were profuse in their offers of help, suggesting other possible sources of information, other potential respondents, or that they could forward copies of documents. While those offers were appreciated and did in fact yield some benefits, it sometimes appeared that the offers were being made in order to appear helpful while at the same time not providing much information in the interview itself.

A few interviews appeared to yield a lot of information at first glance due to the length of answers given but in fact were long-winded renditions of the "party" line.

Some respondents clearly had spent a considerable amount of time thinking about what they wanted to discuss in the interviews. As a result, questions about those topics received answers that were well thought out. However, those people subsequently had a tendency to be less responsive to questions they had not anticipated or they decided that certain subjects were then "off the subject".

One Federal representative had it in his mind to discuss the proposal he presented at the second to last meeting (April 10-11) and the utter frustration with a fellow Committee member over the whole thing. When he'd said all he wanted to say about it, he said, "How're we doing?", indicating he was ready to move on and finish the interview. Following that comment, the questions asked elicited short, to-the-point answers.

It's not clear what topic a technical committee member had decided would probably be discussed but occasionally he would say, "maybe you can shut that [tape recorder] off." Then he would report something that he deemed off the subject. However, the information that he presented was directly germane to the study.

One State director had difficulty directly answering the questions at the beginning of his interview. He appeared to be prepared to discuss the Committee process in a brief, chronological sequence. No matter what the question was, he would give a short-sentence answer and go right on with his

plan. Once his plan was accomplished, for the most part he answered the questions more directly and more at length.

Q: . . . Getting into the meetings of the Committee . . . Were there divisions that occurred along some of the issues?

A: Yes, there were some divisions. I'd have to think carefully on that one. I can't remember the exact procedure, etc., but the wolf committee met, had an organizational meeting and they made two significant decisions that I felt were appropriate . . . (From this point on in this answer he discussed those two organizational decisions.)

Q: . . . You mentioned endangered, experimental, or delisting. Which of the three did you prefer?

A: Well, we started, I believe as I recall, and again I'm not [sure I'm] correct on this point, was first preference was delisting and then we go ahead and manage them under that concept but what come out was nonessential experimental which would allow the governor of the states involved to sign off on the plan, and that we be allowed to address the livestock, big game, and multiple land uses issues.

Q: So, that was the final proposal, but which of the three would you have preferred? Is that your preference then?

A: My preference to begin with was that they be delisted and go ahead and manage them as we would other species but the Wolf Management Committee recommendation is the one that we finally agreed to and that's our stand at this time.

At the beginning of his interview, another Federal representative did not want to spend time on "detail" questions; for example, "What ground rules were established?"

You'll have to look at the minutes of the meetings to get that information . . .

I really-- You'll just have to go to the minutes for a lot of that information . . .

In discussing the issues for his agency, he named the two major ones, then said,

There were many lesser ones that we also discussed that would be in the minutes.

The same person began his interview with very brisk, business-like answers that stayed strictly with the questions asked. By mid-interview, he began to broaden out with his answers and relax somewhat and by the end of the interview, he was freely stating his opinion. The change in response style may have been a matter of trust (Emerson 1983), of feeling comfortable with the interviewer, and also a matter of discovering the nature of the questions.

Two members spoke in a manner that was much more deliberate than any of the other respondents. They chose each word very carefully and precisely. The fact that both are attorneys may contribute to that type of response.

### Respondent Language

Some respondents had a tendency to attempt to de-personalize comments by using plural pronouns, general terms, reference by position, or by speaking "agency-ese".

So, I think our (speaking only of himself or he and his constituents) background was more in terms of impacts, whether you're talking about the negative impacts that I saw from wolf reintroduction, uh, the positive impacts that, say, a Hank Fischer saw in terms of completing a missing link in the ecosystem . . .

If I discuss individual ones, I don't mean to imply by that that others of us didn't have them.

I think they worked pretty well with the group. Since their backgrounds were different, both in their life experiences and educationally, some of them (speaking of only two people) didn't go through the institutional things that the rest of us did . . .

And I really came to feel as we went through the process that, and this is my perspective on some of the

pro-wolf groups that were involved, not necessarily on the individual players on the Committee but at least their constituencies . . .

"Agency-ese" is a language that contains very official-sounding statements, as though the interviewee is speaking to reporters. Words are chosen carefully, seeming to avoid taking a stance on any given issue. Examples of such language can be found throughout the interviews of some of the Federal and State members.

We had the technical committee put together information that was then furnished to us as Committee members with which we then tried to come to some consensus on a plan from that. The technical advisors were the people, the experts, who put the material together, uh, and they, the technical committee was also comprised of all the different corresponding individuals, uh, from the different agencies and private sector as well.

The concern [for the agency] was from the very beginning that the general management plan for Yellowstone did indicate that the ultimate objective would be to reintroduce wolves into the Yellowstone ecosystem. Umm, within Yellowstone National Park, to provide the predatory, umm, umm, impact on the, uh, ungulate herds and also because it was a needed balance in the ecosystem, et cetera.

The assignment of the committee was to look at the possibility and probability of reintroducing wolves into the Yellowstone and . . . Central Idaho Wilderness Area, and that was from direction in an appropriations bill from Congress of the United States and they were given fairly definite charges or directions . . . The report was due on a particular date and on Congressional reports of that sort typically work under a time frame of about a year to do it and an extension in the time frame was not really a consideration. Congress wanted a report back and so it was structured such that the report would be finished on that report date.

There are some differences from the stand point of the State approaches legally that tend to determine policy as opposed to the Federal agencies that, of course, are subject to following the implementation of



the Endangered Species Act and National Environmental Protection [Act] and all the other acts. So, the backgrounds legally are a little different. The backgrounds from a policy standpoint are different as well and then you throw in all the personal preferences and values of different managers . . . And, if you're in a state management agency and your objective is to produce as many elk as you can for hunters to take, then I can see how you might be a little concerned about wolves coming along.

The same person went off the record for several minutes during his interview and his language during that time switched to common everyday language.

### **Selective memory**

While it is true that time is the great eraser, memory can also be deliberately selective. Such was the case during this research. Respondents were able to recall many events yet appeared unable to remember others. Perhaps the most interesting facet of selective memory in this situation is that those who used it tended to be the persons named by other Committee members as those involved in or causing the conflict during the process, those perceived as being under the most outside pressure, and those most resistant to the Committee mandate. Selective memory would typically occur when discussing issues that were controversial during the Committee meetings.

The following question and answer sequence demonstrates an example of such selective memory. The discussion with one of the State directors was about the proposal that was put on the table at the second to last meeting, April 10 - 11. Every

other person who was asked remembered the proposal, if not in fine detail, at least the fact that it occurred because the presenter was so frustrated with the process up to that point that he expressed that frustration. His feelings were clearly remembered by most other respondents who then commented on it.

- Q: Can you tell me about the situation with the proposal . . . presented where you ended up with a 9-1 vote?
- A: 9-1 vote?
- Q: Yeah. He presented a proposal and he wanted a 10-0 vote on that and it ended up being 9-1 and I guess part of the stipulation of the proposal was that he wanted a 10-0 vote and that it not go to Congress if it wasn't a 10-0 vote?
- A: I can't recall off the top of my head exactly how that read.
- Q: . . . The thing that [he] told me was that [a certain Committee member] was the person who voted no on that particular proposal and this was the one where as [he] explained it, the group worked through the proposal line by line and everybody agreed to every language change that was made and then the final vote was taken and [a certain Committee member] voted no.
- A: Uh-- I don't have that right in front of me but, uh, I do remember the vote.
- Q: Well, can you just talk about, the vote in particular and what you remember about how that came about?
- A: Well, Alethea, I'm just searching the top of my head here and I can't get back to the details of that.
- Q: Okay. Well, . . . I just found it here in the minutes . . . It was that wolves in the three-state area be classified as experimental nonessential except for the Glacier portion . . .
- A: I agreed to that.
- Q: . . . a management plan would be prepared that uses the conceptual guideline of Alternative F, option 1, which I don't have right here . . .
- A: That was a proposal that I had placed forward, although [ ] that was one of them, I believe it was the same one that I [ ].
- Q: Okay. Yeah, it says with the substitution of nonessential experimental for the delisting proposal except in so far as Alternative F is not consistent with other portions of this motion. And

it provided for a federally funded joint State-Federal EIS . . .

A: Umm, hmm.

Q: . . . also would include budget estimates for five years, cooperative agreement with the States and Secretaries of Interior and Agriculture, standing committee established and a subcommittee to carry out information and education activities.

A: Uh, I can't, it seems to me that I did vote for that alternative but it was supposed to be, uh, it didn't go through anyway.

Q: Yeah. And I was hoping that maybe you could enlighten me as to why. . . . If six was the agreed upon majority that was needed, I don't understand why this proposal wasn't sent to Congress.

A: Yeah. I can't, I still don't have it here in front of me and to jog my memory, I'd have to go back and get it.

Another State director generally excused his poor memory through his interview.

Oh, gosh. Huh! Well, this will take a little time to kind of work my way back through this.

You know, I'm kind of blanking out myself.

Yeah. Again, a better individual for these kind of details would probably be the Fish and Wildlife Service because they were sort of responsible for the mechanics of it, but, without having, I really couldn't sit down and tell you specifically.

Let's see, as I recall, there was one part of it that had to have unanimous agreement. I probably would be wasting your tape because I really can't without having refreshed my memory, go back and tell you about an individual vote.

No, not without, again, looking back through.

Another member was also frequently "forgetful."

You know, I'd be hard pressed to put a real definite time frame on it.

. . . and again this tests my memory a little bit.

I can't recollect that at this point in time.

Following a question about divisions of members around

the issues, in which he was a key factor, the same person said, ". . . so much goes on it's just sort of like digging back into history for me now so I have to think a little so I'm sure I'll miss some things for you."

Regarding the proposal on which he was the lone dissenting vote:

Q: Speaking of [his] proposal, he and others have explained how you worked through the process and talking about specific points and that sort of thing and that at the end you found yourself unable to vote "yea" on that one. Can you explain your decision on that?

A: On his proposal?

Q: On his proposal.

A: You know, I even have to stop and think, I'm not sure that I remember the nature of his proposal at this point in time.

Q: Well, here, I can find it real quick. In fact . .

A: It'll come back to me if you give me a few hints. .

A: Okay. I'm, again I should have reviewed some notes or something.

This person commented that Congressmen were helpful whenever he asked for help. Again, he had a memory "failure" when asked what kind of help they gave. He answered, "Oh, I really can't [remember] offhand."

## **CHAPTER 2**

### **SETTING THE STAGE**

#### **INTRODUCTION**

The previous chapter reviewed the historical perspective, the methods, and the nature of the responses. This chapter will describe how the Committee was formed, discuss its structure and the technical advisory committee, and the level of knowledge of members about wolf ecology prior to entering the negotiations. The issues are also presented as well as controversies that occurred prior to the first meeting.

#### **THE WOLF MANAGEMENT COMMITTEE**

##### **Appointment of the Committee**

The law setting up the Committee reads as follows:

The Secretary shall, within 30 days of enactment, appoint a 10 member Wolf Management Committee. The Committee's task shall be to develop a wolf re-introduction and management plan for Yellowstone National Park and the Central Idaho Wilderness Area. The Committee shall consist of the following:

1. One representative from the Fish & Game Department of each of the States of Idaho, Montana and Wyoming.
2. One representative from the National Park Service.
3. One representative from the U.S. Forest Service.
4. One representative from the U.S. Fish and Wildlife Service.
5. Two representatives from conservation organizations.
6. Two representatives from the livestock/hunting community.

The panel shall make available to the Secretary and the Congress by May 15, 1991 its completed plan along

with its recommendations. The Committee's plan shall represent a consensus agreement of Committee members with at least six members supporting the plan (Public Law 101-512, November 5, 1990, 104. STAT 1915).

The members appointed were Galen Buterbaugh<sup>6</sup>, Regional Director, U.S. Fish and Wildlife Service, Denver, Colorado; Lorraine Mintzmyer<sup>\*</sup>, Regional Director, National Park Service, Denver, Colorado; John Mumma<sup>\*</sup>, Regional Director, U.S. Forest Service, Missoula, Montana; Jerry Conley<sup>\*</sup>, Director, Game & Fish Department, Idaho; K. L. Cool<sup>''</sup>, Director, Fish, Wildlife and Parks Department, Montana; Francis "Pete" Petera<sup>\*</sup>, Director, Game & Fish Department, Wyoming; Tom Dougherty, Central Rocky Mountain Regional Executive, National Wildlife Federation, Boulder, Colorado; Hank Fischer<sup>\*</sup>, Northern Rockies Representative, Defenders of Wildlife, Missoula, Montana; James "Jim" Magagna<sup>\*</sup>, Vice President, American Sheep Industry Association, Rock Springs, Wyoming; and Ron Somerville, Director of National and International Affairs, Wildlife Fund of America, Washington, D.C. Numerous people, from members of Congress, sportsmen's groups and individuals to the Fish and Wildlife Service, submitted names of potential Committee appointees to Secretary of the Interior Manuel Lujan (Anon. Intv., pers. comm.). The Secretary appointed the Fish and Wildlife Service representative as Chair (Buterbaugh, pers. comm., 1992)<sup>7</sup>. Most selections to the Committee seem fairly obvious.

The three Federal regional directors were selected as a

result of the wolf activity occurring in their regions. As chief wildlife manager of state wildlife divisions in their states, the State directors were logical choices.

Hank Fischer and Tom Dougherty are representatives from conservation groups, Defenders of Wildlife and the National Wildlife Federation, that have campaigned heavily for wolf reintroduction. Both Fischer and Dougherty represent regions where wolf recovery is occurring.

Jim Magagna was asked jointly by the Wyoming Woolgrowers Association and the Wyoming Stockgrowers which represent the cattle industry in Wyoming, if he would be agreeable to their submission of his name as a candidate for Committee membership as someone they were willing to support.

Ron Somerville declined his appointment as the hunters' representative, saying that he more accurately represented the conservation position (AP 1990). He also was reported to have taken a professional position in Alaska (Bean, pers. comm., 1992, Neal, pers. comm., 1992).

### **Initial Controversies**

Controversy continued to plague the wolf reintroduction and recovery issue even as the Committee was being formed. There was some jockeying for the conservation appointments. One informant reported that while Renee Askins, of The Wolf Fund, had been nominated by John Turner to be one of the conservation representatives and Tom Dougherty the other one,

lobbying by Hank Fischer and other national conservation groups resulted in Fischer's appointment instead.

The appointment of Ron Somerville's replacement caused more controversy. George Bennett", Executive Director, Gem State Hunters' Association of Idaho, was appointed to fill the vacancy left by Somerville. One informant speculated that political pressure applied by the Congressional delegations resulted in a pro-agriculture person being appointed to replace him rather than someone who was truly a representative of the hunting community. Another person noted that through Senator Symms of Idaho a lot of pressure was put on the Secretary of Interior to appoint George Bennett as the sportsmen's representative. A third member reported that Bennett was lobbied against heavily by all Committee members as not being a good addition.

In part, Bennett's appointment satisfied the feelings of Idaho politicians that Idaho had been under-represented in the initial appointments. However, nearly every person reported on the fact that Bennett more accurately represented the livestock industry than hunters.

Is he another member of the livestock industry, or is he really out there representing the hunters? He'd give these great pronouncements at the start of the meeting that I'm here representing all the hunters, you know, I'm looking after your welfare. Yet when we'd have the little breaks, you know, there they'd go, Carolyn and Jim and George, off to their little corners and commiserate (Anon.).

While George denied, I mean, he said he was there representing the hunting interests, uh, just based on his



contacts and everything else in the way he handled himself, he was obviously representing the livestock industry, also. I mean, in a lot of cases it was the same issues but he was very adamant about that, that he was there to represent the hunters (Anon.).

But, I think the feeling very clearly was of everybody else on the Committee that George was representing the Cattlemen's Association . . . George was a sportsman and he belonged to these clubs but really his agenda came from the livestock industry . . . On the other hand, there were some cases in which the sportsmen and the livestock agendas were very close together. So, it was kind of convenient for George to say, "Well, I'm a sportsman rather than a livestock representative." So, it was hard for people to view George as anything but a livestock representative because of the approach he took . . . plus the fact he was working, at least part-time, for the Cattlemen's Association in Idaho . . . I think it was really unfair to have listed George as a sportsmen's representative. . . he may have been knowledgeable here in state, but he really didn't know anything in any other state very much . . . I'm just saying that the impression that the Federal folks had, the other State directors and certainly environmental groups was that George was representing the livestock association and not sportsmen (Anon.).

Basically he said that he represented this entity Gem State Hunters which turned out to . . . have, I think, no membership and I don't really know as an entity what its structure was. I think there was something about his representing, being a paid lobbyist for the livestock industry and the basic gist of the controversy was that he was simply a livestock representative and not at all a fellow with hunting interests. So a lot of hunting constituencies, I think, felt really angry about the choice of him as their representative (Anon.).

Toward the end of the negotiation process, Committee members reached the point where they quit playing Bennett's "game" that he was representing hunters.

. . . and [Mumma] turns to George Bennett and says, "And I think it will handle your cattlemen's interests," and George is standing up and pointing back at Magagna, 'cause of course Bennett was supposed to be representing the hunters-- Mumma just wasn't playing the game anymore, said, you know, clearly, your -- It was clear to him that Bennett was there to represent cattlemen

(Neal).

In addition to the matter of under-representation, another controversy occurred in the State of Idaho. According to Jerry Conley, Idaho has a restriction that prohibits the Fish and Game Department from expending any funds on wolf issues or management with specific exceptions. One exception would be work on the central Idaho wolf recovery. Money could be spent to control problem wolves, but expenditures on this type of reintroduction effort was prohibited. Even though all expenses were paid by Federal money, there was a feeling among Idaho state officials that the Fish and Game Department shouldn't be represented on the Committee. An informal opinion was sought from the Attorney General. The decision reached was that this Committee could be viewed as an extension of the central Idaho wolf recovery work; therefore, Conley's participation would be approved, since no State funds were being expended. Additionally, the determination was made that it was essential that he be on the Committee.

The formation of a technical committee was also a controversial matter (Tucker, pers. comm., 1992, Magagna, pers. comm., 1992). Initially, only the Federal and State Committee members were to be allowed technical advisors. The minutes of the January 23-24 meeting reflect this decision, naming only Federal and State technical advisors. The private sector Committee members objected to the unequal treatment, and the matter was resolved with all Committee members being

allowed technical advisors, those not yet named to be named later, according to the minutes.

### **Structure**

The structure under which these negotiations operated was relatively simple. Some ground rules for the process were established at the first meeting, although it is not clear from the minutes what process was used to establish the ground rules. There was quite a bit of disagreement among Committee members as to what the rules were, how many rules there were, and whether there even were any ground rules. The minutes of the first meeting contain very little mention of ground rules. Nevertheless, it appears from the interviews that there were some rules established.

The Congressional legislation stated that six of ten votes would be considered consensus so there was no need to determine how many votes were necessary to pass a motion. The Committee did decide that only officially appointed members could vote on the issue. An alternate sitting in for a voting member could not vote. Any member could make a motion.

Decisions were made as to where to hold meetings. The business meetings were held in Denver to facilitate access to documents and secretarial and support staff. Public hearings were held in each State capital.

## **The Technical Committee**

According to several Committee members, an important facet of the Committee structure was the establishment of a technical committee to assist the Committee in gathering technical information. The technical committee's primary responsibility was to formulate alternatives after collecting information and evaluating testimony by experts. The technical committee prepared nine alternatives for the consideration of the Committee. Technical committee members were not permitted to participate in the actual discussions of the Committee itself.

Some committee members had an agreement with their employers that time would be made available for them to give this project top priority. The remainder of their duties were set aside during the time they were working on the technical committee (Claar, pers. comm., 1992).

## Selection of Members

Committee members each selected their own technical advisor. Members of the technical committee were intended to be people who brought some special expertise - scientific, legal, economic, or otherwise - to the Committee member they served (Bean, pers. comm.). Federal technical committee members were Jim Claar\*, Forest Service, Missoula, MT., Wayne Brewster\*, National Park Service, Yellowstone National Park, WY., and Steve Fritts, U.S. Fish and Wildlife Service, Helena,

MT. Jay Gore, U.S. Fish and Wildlife Service, Idaho, was an ad hoc member.

State technical advisors appointed were Arnie Dood\*, Department of Fish, Wildlife and Parks, Montana, Wayne Melquist, Game and Fish Department, Idaho, and John Talbott, Game and Fish Department, Wyoming.

Conservation representatives were Pat Tucker\*, National Wildlife Federation, Missoula, MT., Renee Askins\*, The Wolf Fund, Moose, WY., and Michael Bean\*, The Environmental Defense Fund, Washington, D.C. Askins and Bean shared an appointment. Because of Bean's location in Washington, D.C., it was difficult for him to attend all the meetings. Therefore, he attended the meetings that focused on legal issues. Askins attended the meetings that were more policy oriented where the background of the region had more relevance. When both attended the same meetings, only one could act in an advisory capacity, according to the ground rules.

Carolyn Paseneaux, Wyoming Wool Growers Association, Casper, WY., was the livestock technical advisor and Lois Van Hoover, of Boise, ID., was the technical advisor for the hunting representative.

Management Committee members frequently sat in on technical committee meetings so that the distinction between the technical committee and the Management Committee was not always sharply defined (Bean, pers. comm.). From time to

time, other interested persons sat in on committee meetings. Galen Buterbaugh reported that there was an informal agreement that some ad hoc members were needed, although the reason was not explained. The Committee allowed that as long as it didn't get out of control.

#### Assignment of the Technical Committee

The primary responsibilities of the technical committee were to supply technical information to the Management Committee and develop alternatives (plans) for various scenarios under which wolf reintroduction into Yellowstone National Park and Central Idaho could be accomplished. The Management Committee gave them broad guidance.

In addition to supplying informational literature, committee members gave technical presentations on several topics during Management Committee meetings. They arranged for presentations by wolf management experts from Minnesota, Canada and Alaska. The technical committee also did much of the work identifying the issues. They also made recommendations when requested by the Management Committee. They did not, however, make policy or political decisions.

#### Technical Committee Ground Rules

The technical committee had a few informal ground rules. Wayne Brewster, Chair, listed them.

" . . . that only one person could get mad at a time, that everyone's opinion was legitimate but you had to be

able to explain your reason for it, that we were operating from a technical standpoint. Our job, the technical committee's job was to provide the information that the Management Committee asked for in a format that was useable by them and, to the best of our abilities, stay away from the pure politics of the debate, recognizing that each one represented a Committee member that had a particular interest that he was representing. Uh, I guess the two other parts of the ground rules were that we would attempt to talk out areas of question or areas of debate and we would present them as a technical committee recommendation or position or whatever and where we could not, we would present both positions or one or more positions. I guess that was about it.

A few other rules were mentioned by other members (Claar, pers. comm., Tucker, pers. comm.). Assignments had to be done on time. The committee wouldn't try to resolve any issues. That was left to the Management Committee. The committee agreed to avoid attempts to influence the Management Committee.

#### Background Information

Most of the technical committee members were more knowledgeable about wolf ecology than the Management Committee. Jim Claar's primary work is with large carnivores, including wolves, in land management. Wayne Brewster works on the wolf recovery issue for the National Park Service in Yellowstone National Park and was previously wolf coordinator in Glacier National Park. According to Mintzmyer, Brewster was identified as being of such magnitude as a technical advisor that he worked as an advisor to the whole committee. Steve Fritts worked in wolf management in Minnesota for much of his career. Arnie Dood is Threatened and Endangered

Species Coordinator for the State of Montana.

Pat Tucker works extensively on wolf issues and wolf education. Renee Askins has worked on wolf reintroduction in the Yellowstone area for the past ten years. Michael Bean, as an attorney for the Environmental Defense Fund, was chosen because of his expertise on the Endangered Species Act, although he admitted that his knowledge about wolves was limited.

Carolyn Paseneaux and Lois Van Hoover appeared to have extremely limited scientific knowledge about wolves, but were very concerned about all the common rumors of wolf depredation, restrictions under the Endangered Species Act, and economic impacts. Van Hoover also had some knowledge about wolf hybrids.



## ISSUES

Issues were outlined at the first Committee meeting. Each member had the opportunity to state his or her "interests" (concerns). According to the minutes of the first meeting (January 23-24), the issues were listed as follows.

Hank Fischer was concerned with establishing viable, self-supporting wolf populations in the Yellowstone area and in central Idaho as defined in the Northern Rocky Mountain Wolf Recovery Plan, establishing wolf recovery boundaries that reflect the wolf's ecological needs, having a wolf management plan that's biologically supportable and that will demonstrably lead to recovery, the development of management plans that adhere to the Endangered Species Act, and a wolf control program that's efficient, effective, and fair.

Tom Dougherty stated his interest in the experimental population concept, and in the establishment of the wolf in the concerned areas 5-50 years before natural recovery could be expected to occur.

Jim Magagna was concerned with undue burdens, economic or otherwise, being placed on the livestock industry. Quality of product was important to protect as well as compensation. Adequate wolf control would be preferable to compensation. He wanted to see a maximum degree of predictability [of numbers of livestock taken by wolves (Minutes, April 2-3)]. He wanted the wolf to be represented for itself, not as a surrogate for

other issues. He also stated that this effort should not be a forum for amending the Endangered Species Act (ESA); however, exempting or lessening the constraints of the ESA should be examined by the Committee.

Jerry Conley stated that he wanted to see the wolf recovered, returned to State control and management. He said he wanted this Committee effort to be very visible. Idaho preferred natural recovery over reintroduction. He was in favor of reintroduction without amending the ESA. He was concerned with reduction of impacts on people. He mentioned funding as a concern.

K. L. Cool listed State management as his primary interest. He also said that the State does not advocate reintroduction anywhere in Montana. He proposed delisting the wolf or amending the ESA.

Pete Petera's primary concern was movement of wolves outside the Park. His desire was to establish a target number of wolves (exclusive of numbers in Yellowstone).

Lorraine Mintzmyer was concerned with management of the wolf outside the Park, and funds for the recovery program.

Jim Claar, substituting for John Mumma, expressed the concerns of the Forest Service. They were also concerned with management outside the Park, and vigorous information and education "up front"; he also stated that the Forest Service's position on reintroduction was mandated by the Secretary of Agriculture, but did not state what that position was.

Galen Buterbaugh wanted states to have a major role in management outside the Park, stated that the plan needed to be in the context of the ESA and experimental population designation, biologically defensible, and the livestock industry accommodated. The Fish and Wildlife Service supported compensation for livestock depredation, and would possibly consider less than ten pairs of wolves as a recovery goal.

No hunting representative was present at the first meeting, since a replacement for Somerville had not yet been named.

The technical committee later compiled the above concerns into a list of eleven major issues (Minutes, February 6). Those issues were:

- 1) the role of the States and the State wildlife management agencies in wolf management planning and wolf management;
- 2) a range of management alternatives under Section 10(j), Endangered Species Act, that will address wolf management concerns;
- 3) defining the boundaries;
- 4) coordinating wolf management with wild ungulate management;
- 5) livestock predation;
- 6) effects or consequences for other land uses;
- 7) social and economic consequences;

- 8) criteria for recovery and delisting
- 9) the reintroduction;
- 10) funding: who pays for what; and,
- 11) identifying the public planning process.

These eleven issues then formed the basis for the alternatives which the technical committee formulated for the Management Committee's consideration.

### LEVEL OF BACKGROUND KNOWLEDGE

In any negotiation, the parties come to the table with varying levels of information, or background knowledge about the parties, the dispute and the evidence that supports the concerns of each side. Each party needs adequate information on which to base their decision. One of the first decisions that should be made during a negotiation is what information, and from what source, the group will accept as a valid basis for rethinking assumptions, opinions, and initial positions (Susskind and Cruikshank 1987). The point of such joint fact-finding is to have a shared base of knowledge and to eliminate advocacy science. Negotiators are more likely to have trust in information that comes from mutually acceptable sources.

There are two types of background information. One type is previous knowledge of the negotiators, which will be discussed later. The other type of background information is knowledge of the subject of the negotiation. Most of the Wolf Management Committee members did not have much technical knowledge about wolf ecology and management. In particular, knowledge about the Endangered Species Act was limited (Fischer, pers. comm., 1991). Some members had general managerial experience and information or were somewhat aware of the literature (Mumma, pers. comm., 1992, Petera, pers. comm., 1992). For that reason, one of the charges to the technical committee was to supply technical information and provide expert testimony.

If ranked according to knowledge, a likely sorting would put Hank Fischer at the top, Federal and State representatives in the middle, and livestock and hunting representatives having the least amount of knowledge. (Adequate information is not available to assess Tom Dougherty's level of knowledge.) However, one member would disagree with the ranking above: "[Background knowledge] varied considerably amongst the members of the Committee. The Federal agency and the State agency heads had the . . . most information about wolves but even some of them had some misinformation." It is more likely true that those agency personnel had the most information available but it is clear from the interviews that the conservationists had more knowledge.

Dan Neal reported Fischer's obviously superior level of knowledge.

I know [the necessity for education of Committee members] was very painful for Fischer because, of course, he's been living and breathing wolves for years and he had to sit there and listen to basic education about wolves. . . Hank could have been, should have been prepared. He should have known that these people were going to come in and be basically dealing with myth as well as fact when they talk about wolves. . .

While most of the respondents reported the need for more information, a particular concern was that some Committee members apparently held beliefs that were grounded in unscientific information, myths and childhood stories.

Your other members of the Committee had impressions of wolves without real experience and of course they brought that information to the table without, you know, necessarily some of the biological information (Mumma).

There was on the part of some people . . . I believe they were non-scientific opinions about what was happening or could happen . . . There was a lack of knowledge about the history of what wolves have actually done and, uh, in the continental United States as far as . . . what kind of things they've been involved in (Mintzmyer).

Of course we were dealing with all these different rumors of what happened in Minnesota, what happened in Canada, what happened. . . wherever wolves had occurred in the past. So, we tried to dispel some of that . . . [The information was] extremely [useful in expanding my knowledge] because what [we] had [was] so many people in there throwing out all these wild opinions on what was really happening in Minnesota. You know, every farmer's going broke in Minnesota because there's wolves in every feedlot chewing on cows (Conley).

It was also mentioned that some Committee members seemed to hold to the belief that wolves were like those in Little Red Riding Hood.

Despite the presentation of scientific information, there were some Committee members who were not inclined to learn from or accept that information. Several persons commented on that notion.

Some of the State directors were biased against wolves or really concerned about what wolves would do to some of their species that they hunt in their states and so there was some bias there and even though we had experts tell us, you know, and explain things, they didn't really want to accept some of the information that was presented to them. Some of the folks in the private sector had very little information about wolves beyond hearsay and it was a major education process for them and some of them remained with very high biases, even right to the end. George Bennett, primarily. Jim Magagna to a lesser sense. He was a lawyer. Once the facts were presented to him, he was more willing to accept information . . . where the evidence . . . clearly pointed . . . something out (Anon.).

Not everybody was at the same level of knowledge at the start of the process and some of 'em weren't much farther along at the end of the process (Anon.).

I think in some cases [Magagna and Bennett] weren't as willing to accept some of the scientific work that had been done as were some of the other groups . . . They might question whether the work done in Minnesota would directly apply to Montana, those sorts of things (Anon.).

It came out throughout the meeting that the wolves would kill people. . . There were certain members of the Committee that we could never get convinced that that had never happened and wasn't going to happen. It was, . . . Jim was, George was another, that was an example of that. And it was just like, "It doesn't make any difference what you say, it will happen" (Anon.).

Buterbaugh related the unwillingness to regard the information as truthful to the emotional aspect of the wolf issue. He said emotions make it:

difficult to rationalize with people and to deal with facts versus hearsay and old wives and fairy tales and things like that. I think of all the species that we work with there is more misinformation out there about wolves than any other species by far. So, that makes it extremely difficult to get people to . . . understand the true facts and then deal with that rather than with the emotions and . . . half truths or . . . misinformation.

Magagna was asked to respond to the question, "Is it fair to say that some people came to the table with some misperceptions about wolves?" His reply:

I really would not say that I would classify them as misperceptions. Uh, I think that there are a lot of things about wolves in this particular setting that are simply unknown. You know, we know a fair amount about what wolves have done in one place or another place . . . We're all trying to make some educated guesses as to what the behavior and the impact of wolves in Yellowstone would be and that is so much of an unanswered question that I think it provides a basis for . . . a broad array of opinion. So, I really would . . . say there was great diversity of opinion but I . . . can't pinpoint what I would classify as misperceptions.

While Magagna was apparently more willing to accept certain information when supported by evidence, he was not



willing to accept that the scientific work done in Minnesota could be applicable to Wyoming.

There were a lot of things thrown at us in terms of the wolf impact on livestock in other places. In Minnesota, for example, that the number of . . . livestock taken by wolves was very small and this and that. Well, I had toured Minnesota several years ago, actually as a guest of the Defenders of Wildlife, to look at the wolf situation there and, while the numbers I don't dispute, the situation is so different in terms of topography and the type of ranching operations, that I don't think you could transpose those numbers to the rugged country surrounding Yellowstone and have them be meaningful. The same with some of the numbers we looked at in Canada. So there was ongoing disagreement about, if you did have a wolf population, what the anticipated level of loss could be . . . My experience in Minnesota in particular was that what you have is densely forested country where these, by our terms in the West, small ranches have been carved out of the forest. They've removed the trees and it's quite flat land. Several places I visited, in most cases, the rancher could see most of his ranch holdings, all of which was fenced incidentally, from his ranch headquarters. So it doesn't mean he could prevent all losses, but it certainly means that it's a much more controllable situation and livestock are much more confined. The country that we graze, particularly the high mountain ranges in Wyoming near Yellowstone are very, very rugged to begin with and visibility is very limited. Secondly, because they are very fragile ranges in terms of the soils and the plants, we keep our livestock turned very loose [to prevent overgrazing] . . . We pull them together somewhat but leave them very spread out . . . The good range management practices that we've learned are essential on that type of fragile range are just the opposite of the type of herding practices that you would be forced into . . . if you are trying to protect your animals from . . . wolf predation . . . If you herd so as to minimize your . . . losses . . . you have a greater impact on the range and vice versa, so we just try to strike a happy medium but generally opt to protect the range because that's a long term investment on public lands and accept the losses or do what we can otherwise to minimize 'em but it makes it-- You can't just go out and say, "Well, through good management you can minimize your losses under this type of a situation."

Magagna's thoughts were summarized for Wayne Brewster

during his interview. He agreed that "nobody knows what's going to happen here and that was made fairly plain." He went on to say, though, that "you have a situation in Alberta and those numbers were presented to them as well, and that's a situation that's virtually identical to Yellowstone. And the numbers aren't that much different in Minnesota." It seems apparent, then, that Magagna was using information selectively to support his contention that wolf reintroduction was not a viable option.

### Summary

Certain elements of the formation of the Wolf Management Committee significantly influenced the whole negotiation process and the relationships between the Committee members. First and foremost was the fact that members were appointed to the Committee rather than voluntarily entering the negotiation, creating from the outset a certain frame of mind for all the negotiators. Controversy at the very beginning of the process set a tone of tension. The level of knowledge that each member brought into the process varied greatly. The need to spend time educating most members about wolf ecology, while highly important, took valuable time from an already limited time frame that could have been spent in negotiation.

These elements will be examined more closely in the chapters that follow, beginning with a discussion of the elements of relationships between negotiators.

## **CHAPTER 3**

### **ELEMENTS OF NEGOTIATION RELATIONSHIPS**

#### **INTRODUCTION**

Perhaps the most critical element of any negotiation is the relationship between negotiators. Relationships are influenced by such things as past knowledge of other negotiators, expectations of working with any other negotiators in the future, and attitudes of negotiators as they enter the negotiation. Relationships between negotiators may determine whether cooperation will emerge. This chapter will examine these elements of the relationships between the Committee members and discuss how their individual interpretations of the Congressional mandate influenced their mindsets and the negotiations that followed.

#### **Previous Relationships of Committee Members**

The background knowledge that negotiators have of each other, i.e., reputations, prior to the first meeting is one element that influences negotiations. Knowing each other personally may make the negotiation process easier. Previous knowledge may enhance understanding of where other negotiators are coming from. It can build a foundation of trust (Fisher and Ury 1981). One of the factors that is unusual in this negotiation is that most of the members of both committees had

worked with each other previously in some capacity.

All of the Federal and State representatives on the Management Committee had worked together on the Interagency Grizzly Bear Committee (IGBC) and on other issues over the past years. John Mumma described the previous relationship of the Federal and State members:

In fact . . . the 3 State agency game directors, Galen, Lorraine and I, all worked on the grizzly bear committee over the last many, many years . . . so we've had an opportunity to cuss and discuss and debate and visit about management and what the needs are and we've had public meetings and we really had worked, I think, very closely together on management issues dealing with the grizzly bear.

In fact, Mumma had anticipated the need to develop a management plan for wolves, as wolf recovery began to occur through natural dispersal, during the years of working on the IGBC. He had proposed that the IGBC begin discussion on that need.

And since we were some of the main actors as all the wolf information was coming forward, we would periodically discuss how do we deal with that. In fact, I made a formal proposal to the grizzly bear committee. I said, "We're going to have to start devoting some time to wolf management issues. I mean, we are responsible for the land and the animals in the three-state area where all the wolves are in the West, and we just can't shirk that responsibility. We've got to start dealing with it." And it was interesting because more and more time at the grizzly bear meetings, we were having to add time on because of wolf issues coming up. Letters being written to us as agency administrators, dealing with the wolf or some issue surrounding the wolf. I would have to say [this happened over] probably the last two or three years because some of these bills were starting to come forward; they were being discussed, you know, like McClure's proposals and such.

Most Committee members had no previous acquaintance with George Bennett but knew of him. Pete Petera stated that he didn't know Bennett that well. Jerry Conley had worked previously with Bennett on issues in Idaho. K. L. Cool did not know Bennett, Dougherty and Magagna.

Jim Magagna knew Petera well, having worked closely with him on Wyoming issues. He knew Fischer and Dougherty well, knew Bennett somewhat, had met Mumma previously but did not know Buterbaugh and Mintzmyer, Conley, and Cool. George Bennett did not answer directly the question regarding previous knowledge of Committee members. Instead, he wrote, "the reputations and prior associations with the wolf issue were generally known to all participants."

Most members of the technical committee had worked with each other on, or knew of each other's work from, similar types of assignments over the past several years. The only person who was unknown to the other committee members was Lois Van Hoover.

How were members of both committees influenced by their past knowledge of each other? Because of IGBC's previous discussion of wolf management, six Committee members entered the negotiations knowing the positions of each other philosophically, personally, and politically. Jerry Conley, when answering a question on a different subject, revealed how his past knowledge of the conservation members affected his thinking.

. . . recognizing that you had Defenders of Wildlife that were probably gonna be very difficult to bring in and you had the Wildlife Federation that were, that would probably also be pretty cautious about agreeing with some of the solutions pointed up by maybe the wool industry [Magagna] or maybe even by George Bennett.

Conley also suggested how his own reputation may have influenced others.

I have no objection at all to having wolves in the state . . . as well, as long as they're managed like any other species of wildlife, and again, you need quite a lot of flexibility which on a couple of votes, uh, I think led to expectations from environmental groups that I would probably . . . split off from the other directors and maybe vote more with them . . . and in reality it really didn't take place.

Magagna commented that he was not influenced by anyone's reputation.

I don't know that their reputations influenced me an awful lot. . . I would probably have looked more at the reputations of conservation members and I knew Hank as being very dedicated to this cause, so I didn't expect him to really waver on it, although I felt I could work with him . . . I had worked with Tom Dougherty before and felt that he was generally a responsible person coming from the conservation community . . . I guess my overall feeling was positive toward the members of the Committee at the beginning.

Buterbaugh said, "I don't know that the reputations made it more difficult or easier, I don't know that that had anything to do with it."

While respondents generally didn't place too much weight on their prior knowledge of other Committee members, it can be expected that their thinking was influenced by that knowledge "because the cumulative whole of experience and information that you have on someone must always influence how you relate to them" (Askins, pers. comm., 1992).

Previous acquaintanceship may also negatively influence cooperation and cause stereotyping (Axelrod 1984). Stereotyping occurs when preconceived ideas lock one image of a person into the mind of another. Respondents didn't seem to like the word "stereotyping." Many of them claimed that stereotyping didn't occur, stated that they wouldn't put it in the context of stereotyping, or tempered stereotypic statements with justification. Nevertheless, it is clear that stereotyping did exist.

Jim Magagna was viewed as being champion for the wool and cattle industry in an opposition mode . . . The makeup of the . . . Committee called for a representative of the livestock industry and he was that, so he was kind of carrying that particular championship for that interest (Mumma).

Oh, I rather doubt [that any stereotyping occurred]. I think that fairly early on in the process . . . If there was stereotyping, you know, there might have been in some of our minds toward the Federal people, just as Federal bureaucrats, so to speak (Magagna).

Well, I think. . . with the main Committee, what happened was is that you have people that are put in the position of having to represent . . . No matter what a person's personal feelings may be, if you're there as the representative of the livestock industry, you have to do your best to follow that line, just like if you're representing the Defenders of Wildlife. You have to do your best . . . People knew other people-- When it kind of gets down to it . . . people have some positions they can't compromise. So in terms of stereotyping, I guess, when it . . . got down to the end anyway, there were some votes that were taken and different people have different roles to play and . . . I don't think you can avoid that when you have a voting group of people like that (Dood).

That is one of the basic problems, that there's very little trust on either side about the motives of the other side and willingness to work with the other side at all. Well, maybe Defenders will work us on this but what about Fund for Animals? They'll sue. Same with us . . . Maybe the Wyoming Woolgrowers will go along (Tucker).

What happened was that those folks . . . that were sort of representing ag on there, really Jim and George Bennett basically, sort of came with the-- The way that I think that the State directors viewed them is that these two individuals are going to come here and push for . . . no introductions or very, very limited-- What can we do to do the minimum and yet not cause any problems of any kind to the livestock industry or to a sportsman anywhere in the state? On the other hand, you had the Defenders of Wildlife coming in and . . . [with the] preconceived idea on the part of the ag interest saying, hey, these guys want wolves everyplace. So, I think that that did have an impact. There was a lot of suspicion about what . . . private agendas were being worked out. I mean, did people want wolves because they wanted to stop timber cutting, livestock grazing, or did they want wolves because it was required and they truly wanted to establish the wolf (Conley).

Despite the existence of a foundation of previous working relationships, it appears that trust did not emerge from those prior relationships. In fact, the previous relationship between some Committee members may have actually caused the distrust. Perhaps one reason for that lack of trust was an ongoing conflict between Federal and State agencies over wildlife management control. Another reason for the lack of trust was disbelief in the scientific data and strong belief in myths about wolves. These ideas will be discussed more fully later.

### **Future Working Relationships**

Expectations that negotiators may need to deal with each other again makes it possible for cooperation to emerge (Axelrod 1984). Choices made during this negotiation may influence choices that will be made in a later meeting. Axelrod (1984) defines the possibility of future relationships



as "discount parameters." Payoffs for choices made are weighted (discounted) in the minds of the negotiator relative to previous choices made. Such discounting aids a negotiator in deciding whether or not to cooperate. When the negotiator places a high discount on a choice, it is more likely that the future relationship is important, and therefore, the negotiator will find a way to cooperate. With a low discount parameter, the future relationship, hence cooperation, is not important.

Of those asked, all members, particularly the Federal and State representatives, at the time of the Committee meetings, expected to have more contact with some or all of the members involved, if not on this issue, on some other issue. Thus, it would be expected that the discount parameters of those members would be high. Three Committee members did appear to have high discount parameters.

John Mumma was very aware of the possibility of future work together since he worked so closely with the states. He commented that he fully appreciated where the directors were coming from on the States' rights issue.

A technical committee member observed that Pete Petera seemed to consider future working relationships during the negotiations. "You know, he's in the same state with Magagna and the Wyoming Woolgrowers hold a lot of influence in the Capital. I'm sure that had a huge influence on the way Petera-- (informant's emphasis)." Petera confirmed that he

was able to work fairly closely with Magagna, saying "Jim Magagna's a fine person and very reasonable man."

Fischer was acutely aware of needing to maintain a working relationship with Cool, and approached him ahead of time to let Cool know that he was aware that State management was a key concern of Cool's and that he would support him on the state management issue.

Two members appeared to have low discount parameters. Cool stated that he expected to work with some Committee members in the future but that it did not influence his work on the Committee. Cool was generally "uncooperative," according to several informants. Fischer also thought that although the other State directors voted with Cool, they lost a lot of respect for him. It would seem, then, that Cool didn't view future working relationships as important.

Jim Magagna also expected to be working again with Committee members in the future, but he also had a low discount. He did not consider future relationships important during these negotiations.

I didn't expect the issue to go away and probably all of us . . . will continue to remain players except perhaps for the Federal people who have retired. And of course, uh, at least with my own game and fish director, Pete Petera, I work with him on other issues quite often, so that was an ongoing relationship. It really didn't [affect how I participated on this Committee]. I think this was issue driven and not personality driven. I don't think it [influences whether I'm willing to make concessions] in this case . . . I really did not approach, I don't think at anytime, in terms of how this would affect some relationship that I or my organization might have with any of these people or their organizations.

Several members said that the possibility of working with other Committee members in some capacity in the future was not an influencing factor during their work on the Committee. The concept of being influenced was apparently seen as negative, as though there was something inherently wrong with being concerned about future relationships. However, concern for future working relationships was evident in the manner in which respondents spoke about each other. Most were careful in their choice of words as they spoke of the difficulties of this negotiation.

I wouldn't want to say that they were hard to deal with. I would just say that they were a challenge to deal with in some ways. She tended to have a little bit different opinion about some things than perhaps some of the rest of us did. She did bring, however, a certain amount of expertise and interest to the subcommittee.

Jim Magagna as an attorney would be the type of person that a State director, for instance, might seek for advice. . . though I think all of the people on the Committee at one time or another asked Jim Magagna about particular legal interpretation about different questions, his opinion regarding things (Claar).

Now, I'm not saying George did a bad job on the Committee at all (Conley).

I think that when the final recommendation was made, that concerned Tom Dougherty fairly heavily. I think that he wanted, you know, he felt that, and I don't want to put words in his mouth . . . (Petera).

Well, for the most part, you would see some of [voting coalitions]. But there would be other members that would be going one way or the other, too. Certainly the three states had interests that they were trying to represent and there was a commonality there, I mean, that was very obvious. The same could probably be said about the Federal ones . . . Now, that's just as I saw it. There's other people that may have not seen it that way (Mumma).

So, well, and this is still fairly political. I'm trying to be fairly circumspect about what I say 'cause all these people are still involved in this (Neal).

Jerry Conley's interview contained frequent use of "sort of" and "tended to". Those phrases seem to be a regular part of his vocabulary, but the overall effect of the phrases was to soften any statements that would appear to be directed at any Committee member.

What happened was that those folks, uh, that were sort of representing ag on there, really Jim and George Bennett basically, sort of came with . . .

People wanted to, tended to, sort of wanted to put off reaching an agreement.

Expectations of working together in the future were also a consideration for the technical committee. It was highly predictable that members would continue to work together at some level on some issue in the future (Claar, pers. comm.) because of their professional positions. Renee Askins said, "I guess I just assume all these people are people that I would work with. And I just have a basic belief in civility and . . . basic work principles, professionalism no matter what the situation is."

In one case, these negotiations resulted in improved relations for two members of the Committee following the conclusion of the negotiations. Jerry Conley reported:

An interesting thing that did occur -- Actually we had had a lot of differences with George Bennett here in state from a department standpoint over a variety of issues in the past and actually working together on this Committee did create a much better working relationship with George here in state and the groups he represented. And actually it was a real positive thing . . . We've

just been able to work together quite a lot better since having served on the Committee and it really came not so much from . . . agreements or disagreements during the formal time but informally sitting at the airports, you know, waiting there at public meetings. Afterwards, eating dinner together. Getting to know, you know, each other. You know, there was just a little bit better, uh, more willingness to trust each other that did grow out of that group.

Conley followed that remark with a suggestion for improving relationships when entering into this type of negotiation.

Yeah, I'm not so sure that a group like this shouldn't, when they start a project like this they shouldn't take the first two days, go into a retreat, say, hey, let's get to know each other. You know, let's not even worry so much about what we're covering now. Where're you from and what's your family like and what's your view on this and what's your background and what'd you do last year and what are you gonna do next year? I really think if . . . we'd probably done that a little more . . . we might have understood philosophically more where each person was coming from. Might have been a lot easier and people might have been a lot less suspicious.

In fact, that is what Fisher and Ury (1981) suggest. They say that knowing the other side personally makes negotiation easier. It's easier to attribute evil intentions to unknown parties. They suggest finding ways for negotiating parties to get to know each other informally before the negotiation starts. In discussing a mediation effort, mediator Leah Patton of the Institute for Environmental Mediation, commented that "much of the mediation process is . . . getting people to know each other" (Talbot 1983). For a group such as the Wolf Management Committee whose members have in some cases known each other for many years, spending substantial informal time together prior to negotiations could

be especially beneficial. Where previous knowledge of a person is based on only one role, learning to know each other in a difference capacity can break down barriers created by stereotyping and enhance cooperation.

### **Cooperation**

Reputations and the possibility of working together in the future determine, in part, whether cooperation emerges during a negotiation (Raiffa 1982, Axelrod 1984). Committee members had strong incentives to be cooperative because of the distinct possibility that some of them would need to work together again in the future.

Discussion of cooperation with respondents revealed several things. Terms such as "cordial, business-like, and civil" were used to describe the spirit of cooperation. At the same time, though, there clearly were tensions between some members, particularly between the conservationists and Magagna and Bennett (Bean, pers. comm.). John Mumma mentioned more than once that he thought the Committee had an impossible task because of the "very strong different viewpoints out there." It would appear that while Mumma was prepared to work hard to do the job they had been given, at the same time he was doubtful that the Committee would be able to develop a plan that would meet everyone's needs and approval. Jim Magagna mentioned that the cooperation "probably got tested pretty hard right at the end." Other comments from

respondents suggested that members were committed to putting together a plan, but that they were still protective of their interests to the point that factions developed.

Underlying components of cooperation are honesty and trust. With the history of previous working relationships among several Committee members, it would likely have been difficult for those members to be dishonest with each other (Fisher and Ury 1981, Raiffa 1982). Dishonesty could have been spotted fairly easily because of members' past knowledge of each other. Another factor making it difficult for members to be dishonest with each other is that several of them had made public statements regarding their feelings or position on the issue. While members may not have been able to be dishonest with each other, some were, nonetheless, unable to fully disclose their true priorities.

While there appeared to be a cooperative spirit among Committee members, actual cooperation in terms of being willing to make concessions and trusting information was limited. Trust apparently was difficult for some Committee members. Tucker expressed the idea that one of the basic problems of the process was an unwillingness of some members to trust the government's management system. That led to an reluctance to work with the other side because of distrust about the motives of those representatives. Magagna revealed he was feeling a certain distrust of the Federal agencies. "We did not feel in the livestock industry and the other

groups that I represented that we could have something that was strictly in the hands of the agencies." A further indication of the lack of trust was Mumma's comment that some prejudices and biases remained throughout the process and that a lot of good information was discounted.

Lack of cooperation on the part of some members was evidenced by firmly holding to basic agendas toward the end (Mintzmyer, pers. comm., 1992). According to several people, Cool stated his position at the first meeting. He was adamant that the Endangered Species Act must be amended, that the States be given management authority over wolves, and that northwest Montana be included in the Committee's report. He locked himself into that position to the very end, a classic case of positional bargaining (Fisher and Ury 1981).

The purpose of positional bargaining is to let the other side know what is desired and "provides an anchor in an uncertain and pressured situation." There are consequences, though, of taking a position. The harder a person argues from a position, the more difficult it becomes to move from that position and make concessions. Ultimately, the likelihood of reaching agreement diminishes (Fisher and Ury 1981).

A comment by George Bennett confirms the idea that basic agendas undermined cooperation.

"Efforts were made to be cooperative although not at the expense of underlying goals. Generally speaking, professional peer pressure was effective [to elicit cooperative behavior]. When that was not enough, issues were put to a vote."



In addition to engaging in positional bargaining, Cool was uncooperative in other ways (Fischer, pers. comm.). At times he was rude to other members and wouldn't let them speak. He took up valuable time with filibuster. Fischer thought it was probably a successful ploy because it turned attention away from the issues at hand to what Cool wanted; thus Cool got more of what he wanted.

The burden of attempting to elicit cooperation fell to the chairman of the Committee, Galen Buterbaugh. He discussed his perception of the cooperation and how dissension was handled.

Well, there was dissension amongst members of the Committee right from the very first-- I mean, just based on the people that were selected and their perspectives that were put on the Committee . . . Everybody was pretty professional about it but there was major disagreements and it made it very difficult to . . . get any agreement on anything at all . . . to . . . function as chairman because there was major disagreement on almost every issue. . . We talked it out. I mean, we had many, many meetings where we just sat down and discussed this until we worked it through and in some cases, if it was a biological issue or a very technical issue, we went back to the technical committee and asked them to try to work out a compromise and in other cases we went out and got outside experts to come in and talk to us . . . about various issues and then based on the information we got from this whole process, we tried to come up with some agreement.

Perhaps the best assessment of the cooperation among Committee members comes from Pat Tucker.

They really avoided getting into any real issues or discussion of issues until that second to the last meeting . . . And so, until the very last, there was really no good give and take . . . between these Committee members and . . . Everybody gave the perception of getting along and being big chums and I think everybody was trying to act like, you know, if they

could get along . . . and have a good time together . . . when the final vote came, they'd somehow, all their differences would be resolved because they'd all know they were good guys and gals and everything.

Jim Magagna felt that Committee members had come together in a cooperative spirit. He believed that the technical committee was directly responsible for the cooperation on the Management Committee.

Probably one of the functions that the technical committee served was to allow some of the more direct confrontations to take place in that committee rather than in the Management committee. I . . . have a feeling. . . [that] those people went more head to head on some things . . . were more confrontational perhaps than we were on the Management Committee. The fact that some of those things could be vented there probably helped make our work go a little more smoothly.

Jerry Conley viewed the technical committee as having more problems with suspicion and distrust than the Management Committee. In particular he noted that Lois Van Hoover, George Bennett's representative, was very suspicious of conservationists' proposals. However, his was the only opinion from that viewpoint.

In contrast to these two opinions regarding the cooperation on the technical committee, all technical committee members interviewed did not view their committee as being confrontational. There, too, committee members felt that they maintained a cooperative spirit.

Renee Askins thought that the technical committee was much more adept at decision-making and credited that to the technical committee being more immediately steeped in the information. She stated further that the "Management

Committee was so politically . . . influenced that it was harder for them to make distinct decisions."

One ground rule appears to be the key reason for cooperation among technical committee members. Pat Tucker explains.

I don't think there was any [effort to rule out any alternatives] once we'd decided that wasn't really our mission . . . We had a pretty easy go of it because we weren't trying to . . . really resolve anything. We'd all been through all the alternatives and the pros and cons in our own minds for ever and so, some people were . . . willing to . . . at least have it all down on paper and not try to . . . hide what the problems were within the alternative . . . And we had to clarify [our mission] a few times during the process . . . Somebody would start arguing about something and somebody else would say, we can write that down. There's no reason that the Committee can't see this. But, in retrospect, I'm not sure . . . how we would have done it exactly, but it would probably have been better had we fought it out a little more among ourselves. Just so there would have been a little less for the Committee to be dealing with.

The second benefit of the above ground rule is that emotions did not become an overriding influence on the technical committee's work. Wayne Brewster assessed the emotional level of the technical committee.

It wasn't so much [emotional] in the technical [committee], because we pretty well clearly understood that it was not the purview of the technical committee to recommend new legislation, so our role was, okay, here's what the law says. Here's what the regulations say. Here's what you can do likely under this.

## Emotions

The wolf issue has and probably always will continue to be a very emotional issue . . . [It] is, up to a certain point, is a technical issue but . . . when it comes down to the real decisions and so forth, it's an emotional issue (Mintzmyer).

When emotions enter a negotiation, the result may be an impasse or a complete breakdown of the negotiation process. Emotions come from both the negotiators and their constituents. It is important to recognize and understand emotions, to be specific about them and acknowledge them as legitimate (Fisher and Ury 1981).

One thing that can be helpful in dealing with emotions is a specific discussion of emotions as a focus for one meeting of a negotiation. Such discussion will free people of the burden of emotions and enable negotiators to work more cooperatively thereafter (Fisher and Ury 1981). Most members of the Committee recognized the existence of emotions in the process and the rights of people to have those emotions. However, it appears there was some difficulty defining emotions during the Committee process, as well as some uncertainty about how to handle emotions.

When asked specifically how emotions entered into the process, Pete Petera related one instance of what he perceived as emotion.

I think that when the final recommendation was made, that concerned Tom Dougherty fairly heavily. I think that he . . . felt that, and I don't want to put words in his mouth, but I think he felt that . . . both he and Hank Fischer felt that the harassment recommendation in the Committee report probably was excessive.

Later in the interview, however, Petera appears to equate emotion with display of anger. His assessment at that point was that emotion was not a part of the process at the end.

I felt [that the discussion of the final proposal] was fairly congenial. It was a difficult subject and uh, everybody had, of course, their own views on each issue but, there was no name calling or shoe throwing or anything like that.

That assessment is contrary to what the other Committee members perceived. They reported several occurrences of emotional reactions or displays, particularly during the final meeting.

The time that the most emotions were expressed was in that last meeting . . . the most emotion that I saw voiced was actually by K. Cool and that was when . . . Hank asked that Mike Bean be allowed to discuss the repercussions of having, . . . of whether Congress would be willing to amend the Act, which was what would have be required for this proposal to go anywhere (Anon.).

K. Cool of Montana . . . from time to time displayed some, what I would describe as latent animosity toward the environmental members of the Committee. There was one occasion, I think it was at the last meeting . . . I believe Fund for Animals had [just] filed [a lawsuit] over grizzly bear hunting in Montana and Cool had apparently been served with some sort of subpoena, just before this meeting, and . . . he was . . . in a poor frame of mind when he came to the meeting and seemed to regard the environmentalists present as indistinguishable from people who had just sued him and . . . I think maybe was the most traumatic example of that. There was never to my knowledge any scene in which anybody yelled or threatened any physical harm or lost control of his emotions but there were . . . moments when it was evident that . . . people were . . . trying to be civil to each other while at the same time making no secret of their disdain (Anon.).

We'd have some pretty good exchanges, but I didn't see anything out of the ordinary. You kind of expect those things, you know. You expect people to . . . express a certain viewpoint . . . Montana was certainly one of the most vocal . . . They would speak up and state their position very emphatically . . . They were willing to express their viewpoint very loudly, almost to the point of I've got to have this (Anon.).

The most heated discussions were between the conservation groups and Jim Magagna and George Bennett (Anon.).

There was a lot of emotion. For example, there was, it came out throughout the meeting that the wolves would kill people. And that was probably one of the most emotional issues . . . and there were certain members of the Committee that we could never get convinced that had never happened and wasn't going to happen . . . The issue of damage to livestock owners, cattlemen and sheepmen . . . was certainly an emotional issue for [Jim and George] and rightly so . . . I think those two issues were probably the most emotional that came out of it and made it the most difficult to rationalize with people and to deal with facts versus hearsay and old wives tales and fairy tales and things like that. I think of all the species that we work there is more misinformation out there about wolves than any other species by far. So, that makes it extremely difficult to get people to . . . understand the true facts and then deal with that rather than with the emotions and . . . half truths or just flat out misinformation (Anon.).

I think there was, at times at least, a fairly high level of emotion . . . I mean for all of us. I mean, it's an economic issue for me, but it's also a very emotional issue, too, in the sense that, uh, I can foresee a potential scenario where . . . wolf reintroduction and perhaps not alone but coupled with some other policy decisions on public land grazing could, could spell the end of livestock grazing in that area. And the livestock industry is very dear to me as . . . are the natural resources in that part of Wyoming, so . . . in that sense, it's emotional for me. I think a Hank Fischer, for example, who has devoted a large part of his career in recent years to this single issue . . . has to feel very strongly emotional about it. I would not expect it to be otherwise. Uh, I guess there were a couple of boiling points . . . as we got particularly toward the end, I think is when it began to show. I know that . . . oh, perhaps at our last meeting but prior to our developing the plan that we finally came out with, . . . John Mumma . . . became very frustrated with us over what he saw as our inability to reach a consensus . . . but I'm sure he wasn't the only one feeling [that,] particularly of the Federal people (Anon.).

John Mumma admitted that he "got plenty irritated" at the whole process but that, except for the meeting at which he

expressed his anger, it was a cordial business-like relationship. According to Jerry Conley, during the Committee's discussions, "There was a feeling of frustration from time to time about why can't we get everybody to agree on a point that seems pretty clear?"

Even though at least one of the emotional displays was directed at Fischer, he stated that emotions were not a big problem.<sup>8</sup> Cool adamantly stated, "Emotions did not affect the proceedings. Emotions did not affect the final Committee report" (respondent's emphasis).

Despite these examples of emotional displays or reactions, Pat Tucker perceived a lack of acknowledgement that emotion was an issue that needed to be addressed.

There was a real avoidance on that Committee, I felt, of really trying to get down to brass tacks and really allowing people to get mad at each other and I think there was a need for that. I mean, there was a need for it right from the beginning and if it fell apart in the beginning, then it fell apart.

That avoidance is contrary to Fisher and Ury's (1981) notion that it is important to allow negotiators to let off steam. Being able to vent some feelings may make it easier to talk rationally later. Despite the fact that a couple of the Committee members viewed the technical committee as the place where emotions were a problem (Bennett 1991, Conley, pers. comm., 1992), it appears that the technical committee did a better job of acknowledging emotions as a factor. Specifically, that committee established a ground rule that only one person could get mad at a time, thereby recognizing

the need for members to express emotions. A second benefit of such a rule is that persons are "allowed" not to respond to an emotional outburst, thereby helping people control their emotions (Fisher and Ury 1981).

## **Mindsets**

The attitude, or mindset, that a participant takes into the negotiation process in part determines the willingness of a negotiator to bargain. Attitudes are shaped by past relationships with fellow negotiators, expectation of future relationships, and emotions (Fisher and Ury 1981, Axelrod 1984). Several other factors also frame that mindset. What background information influences that attitude? What constituency does the negotiator represent? Is the participant willing to negotiate? Is it necessary for the negotiator to report back to a supervisor, boss, or ratifier? Are there outside influences putting pressure on negotiators? What issues does a negotiator bring to the table? Some of these components have already been examined. Others will be discussed later. It is important, though, to keep those elements in mind when examining the mindsets of the negotiators at the outset of the negotiation process.

As parties anticipate entering into a negotiation, they begin to conceive ideas of how that negotiation might proceed (Raiffa 1982). They begin to plan their moves and how to get what they want. They imagine strategy, other parties' needs,



what other parties might be willing to give up (concede), and where their own advantages lie.

Such thoughts may not be evident at the first meeting but become apparent as they emerge throughout the process. Many people had clear thoughts about what was in the minds of Committee members as they met for the first time, based on what they observed throughout the negotiation process.

Dan Neal reported how the initial controversy surrounding the appointment of a hunter's representative established certain mindsets and helped set the stage for the negotiations.

The first thing I saw . . . really happened before the Committee got going and that was when . . . they appointed a fellow from D.C. to be on the Committee, and uh, he declined to be on it and went to Alaska and then they appointed the-- from the cattlemen's association in Boise. Bennett . . . And . . . when that happened . . . the feeling I was getting from people was that . . . gee, you know, we've got three federal agencies that are very interested in advancing wolf reintroduction. We've got two environmentalist organizations that are very interested in it, and then this other fellow that went to Alaska. So, they felt like, going into the Committee, that they basically had the votes to do what they wanted. My feeling was the people in the conservation and environmentalist organizations basically, the wolf proponents, felt like they had a real advantage, and they did from what I could see. The stock people howled and so [Somerville] decided not to accept the appointment and you ended up with George Bennett being appointed as a representative of the hunters. So, that maneuvering before the Committee really got off the ground changed the attitudes that people have, because now you suddenly had Magagna and Bennett and-- So you had Buterbaugh, Mintzmyer, Mumma, and then the two guys from the conservation organizations and then Somerville, that was 6, and then you had the 3 [State] directors who people going in I felt like weren't really sure where they were coming from but felt like that local politics might direct their position . . . So then-- Okay. So that left you 5 sort of pro people and then Magagna, Bennett,

and the 3 [State] directors as . . . being either absolutely in the anti-wolf or somewhat there.

So, according to Neal, the balance of the negotiation suddenly shifted away from being advantageous for the conservationists. Now, the Committee appeared to be split evenly into two groups, making it less difficult to pull votes in the direction of the anti-wolf faction, since only one swing vote to either side created the six votes needed to approve a plan. Michael Bean provides further insight into the mindsets of Committee members.

I think the mindset of . . . Tom [Dougherty] and Hank [Fischer] was one of hopefulness that it might be possible to come to terms that would largely be satisfactory . . . and that this process might succeed in bridging gulfs with some of the other interests. On the part of Magagna and Bennett, and this was maybe most acute in the case of Bennett but not much left, though, in the case of Magagna, I think the mindset was to give no ground, and from the point of view of the three Federal agencies, I believe the basic objective was to get [6] people to agree on anything and they didn't much care what it was, as long as they could get [6] people to agree on. In the case of the 3 State directors, uh, I think there was . . . a little more openness to try to search for a workable alternative but, a very heavy burden of feeling that this was yet another example of Federal government interfering in a matter that ought to be the responsibility of the States to resolve and sort of carrying that extra baggage along in this context. In other words, . . . I think that the main handicap . . . infecting their frame of mind was that it was impossible for them to look at this issue divorced from the larger history of conflict between state and federal governments over who gets to manage wildlife.

Neal further supported Bean's perceptions on the other Committee members.

Cool, I thought, came in feeling pretty frustrated over the way grizzly management has been handled by the Feds-- Conley basically was a mystery to me at the start and, uh, I'd say, at the end largely was too . . .

Mintzmyer came in clearly wanting to have wolves back in Yellowstone. Thought she had a mandate . . . that there should be wolves in Yellowstone. Buterbaugh obviously saw it as his responsibility to recover an endangered species so he was supportive of a real effort to reintroduce wolves. Obviously Dougherty and Fischer were major supporters of wolf reintroduction. Mumma . . . saw it as his responsibility, he'd been directed by Congress to come up with some kind of a plan to reintroduce into Yellowstone and northern Idaho and so that was his job. That's what he was going to try to accomplish. So then, Magagna obviously came in ardently opposed to wolf reintroduction and sort of feeling like he had to talk about it because he was on the Committee and basically trying to get the best deal he could for stockpeople.

Lorraine Mintzmyer concurred with the assessments above.

There were some people who wanted in this process to propose a . . . change to the Endangered Species Act as a part of this project . . . I think there were some who . . . saw this report as an avenue with which to defeat the . . . reintroduction of wolves into Yellowstone. Some came with . . . the optimism that the report would pave the way for that to occur and as it turned out, neither faction was right . . . I think the State directors, just by sheer virtue of being that - State directors - regardless of what their personal and professional opinions were, but because they did represent the State . . . their very agencies were funded by the interests that were against the wolf reintroduction, so you can imagine that they came with that kind of agenda. As I say, I think there were people there whose agenda was not to do anything as far as . . . wolves were concerned other than to see it as a way to amend the Endangered Species Act. Not only avoid the reintroduction of wolves into Yellowstone, but also to hopefully deter other actions under the Endangered Species Act is my speculation. I do not have a name and so forth that I can give you on that but that was just my sense.

John Mumma also observed that there were some Committee members who probably had a mindset against wolf recovery. He said it was fairly clear that there were members who were not pleased with the charge that was given by Congress. Despite those feelings, however, they had a charter and constituent

groups to represent and they were going to do their job.

The State directors' mindsets were each partially framed by their state policies. That quite naturally affected their attitudes, whether or not they personally believed in the policies. It is well-known that political appointees such as state game directors usually believe in and adhere to the policy of the governor who made their appointment. The interviews reveal that the State directors of Montana, Wyoming, and Idaho were in full support of their individual state policies.

The policy of Montana stems from the governor's opposition to wolf reintroduction (Dood, pers. comm., 1992). It hasn't always been that way. At the time of the approval of the recovery plan, the State of Montana had a governor who supported wolf recovery.

In 1987 . . . [Governor Schwinden] wrote a letter to the Fish and Wildlife Service and he at that time offered-- He supported wolf recovery-- He offered to fund wolf recovery in our state, and even supported possible reintroduction into the Park but there was one catch and that was that the wolf be delisted.

During the interim, the conflict over grizzly bear management intensified and is now the basis for much of Montana's opposition to wolf reintroduction. As a result of the conflict over grizzly bear management, Montana wants more control over management of recovering wolf populations. Arnie Dood explained at great length the feelings and perspective of the Department of Fish, Wildlife and Parks.

We in Montana and, myself brought to the table the perspective that we've had real problems with how the grizzly bear program has run and . . . our ability to participate in the program in the long run where the decision-making is done . . . in terms of the Federal support for the program. There's increasing demands and yet the support for the program keeps dwindling and so we brought a lot of those concerns with us and the same holds true for the wolf program . . . We see as the key to the long term future of the wolf in our state is to fit the wolf back in as a component of our wildlife system, not as if the wolf is at the peak of the pyramid and everybody gets to fit in underneath it . . . Obviously the perspective of some of the other groups is more narrowly defined, like the Fish and Wildlife Service in terms of their perspective is to achieve a certain level and that's recovery. In particular, they're running off the level of the approved recovery plan . . . And you see, what we see . . . obviously wolf habitat is resident ungulates . . . elk and deer and sheep and moose and those are things that we have the legal responsibility to manage. So, there can't be . . . separate programs and it's our feeling that the sooner that our local biologists are involved in the program the better off it will be for the long term future of the wolf . . . And, you see, there's some other things with our state perspective that we go back and look at the recovery plan in '87. When it was done, we wrote a fairly extensive comment to the Fish and Wildlife Service and we told 'em that we didn't think the approach that was recommended in there was right and a lot of people in other interest groups, they chose to, uh, interpret that as the State was opposed to wolf recovery and that's not the case. But we . . . didn't feel that it was presented in a way that was reasonable or that was in fact desirable . . . We felt that the concept of recovery areas wasn't a good one for the long term future of this program. And obviously that's been shown to be the case. That the majority of wolves are outside those areas . . . Some other ones were the control issue . . . We see there's a fundamental problem in . . . the language of the Act and the court interpretations of the Act. It's not legal, and so it's just a matter of time until some interest group will take it upon themselves to stop that. For example, the Fish and Wildlife Service killed five wolves on the Rocky Mountain Front and because they're listed as endangered under the Act, that really isn't legal. The Act is very clear. It says you cannot take, which means kill, harm, harass, all that, endangered species under any circumstances and that's what it says . . . It's just a matter until the Wolf Action Group or somebody may decide to take it on . . .

If you build a whole program up and you say to people, "Yes, if your cows are killed, we'll come in and deal with the problem and help you out." If you make those kind of commitments . . . and your program is based on those and your program gets stopped because of this flaw which we see and very real that it could happen, similar to what happened with our grizzly bear hunt, uh, you've lost your public support for the program and we don't think that's right. . . . My own feeling is that we need to get to the place where Federal agencies provide the support to the States to develop their plans but the plans for wolves in the State is developed through the State processes . . . . Yet the Fish and Wildlife Service can indicate what they'd like to see for a recovery goal, which they have, which is ten pairs.

Just prior to the establishment of the Committee, Cool broke a long-standing silence on the subject of wolves and talked to a newspaper reporter about Montana's desire to manage wolves. He said that the state agency intended to "take its head out of the sand." He wanted the wolf delisted and turned over to the Department of Fish, Wildlife and Parks for management (Devlin 1990). The mindset of Montana was seen very clearly, as a result of Cool's positional bargaining and the previous history of the grizzly bear conflict, and reported by several respondents.

Characterizing the attitude of the State of Wyoming toward wolves is the state law classifying the wolf as a predator. Such a law is in direct opposition to the Endangered Species Act. However, the ESA does supersede the state law (U.S. Fish and Wildlife Service 1987). Nevertheless, that does not prevent Wyoming from having its law on the books. According to Dan Neal, the law is the result of the history of Wyoming as a rural, ranching state in

which the agricultural interests have dominated policy. Petera commented at the April 10-11 meeting that Wyoming doesn't believe that wolves are biologically endangered but rather are locally extirpated (Minutes, April 10-11). As the fish and game director of a state in which agricultural interests play such an influential role, Petera's mindset was quite likely also affected by agricultural considerations.

Petera felt that he entered the negotiations with an open mind, saying that he didn't go with any best case or worst case scenarios in mind. Neal, through his reporting on the State of Wyoming legislative sessions, was able to shed light on Petera's mindset as he entered the negotiation process.

So, Petera, before the Committee started had asked the [Wyoming Game and Fish] Commission to give him a minute at a meeting that they were opposed to wolf reintroduction. Oh. What Petera asked for was a minute from the Commission saying that he would support wolf reintroduction if wolves were delisted . . . Petera came in pretty clear opposed to wolves. In fact, he told me one time, he says, "I-- ." He talked to some guys in Canada who told him, they couldn't understand why we wanted wolves down here anyway and he sort of wondered why himself. So, that's where Petera was.

Despite Petera's assertion that he had no preconceived scenarios in mind, other remarks indicate where his mindset lay. "My preference to begin with was that they be delisted and go ahead and manage them as we would other species." "There's no way the State of Wyoming, that is the hunters and fishermen, could generate enough money from licensing a season on wolves, for example, to ever pay for the program" (emphasis added). Some members believed that Wyoming's law would allow

wolves to be taken at will, indicating that there was a lack of knowledge that the ESA overrode that law. A certain amount of distrust arose because of that law (Mumma, pers. comm.).

Jerry Conley's mindset was shaped in part by Idaho's law which prohibits all but a few expenditures for wolf reintroduction (see pg. 33-34). The recent discovery of the presence of wolves in the state also shaped his mindset.

We have not seen any pack activity in the state. We have one wolf that's collared that's, uh, in the state that came in from Montana. We had a female-- It was a male. We had a female earlier in the state. We were thinking they were sort of trying to get together but they must have missed each other. But so far we haven't really had any verified pack activity. Which in our minds means that in essence we don't really have an established population. What we have is solitary wolves wandering in and out of the state. At any one time there might be 8, 10, 12 wolves in the state . . . It could be [part of their territory] or they could be probably . . . offcasts from other packs that were kind of looking to establish territory and just haven't found the right place yet. They're just kind of wandering through and back out. They may not come back again but another one from another pack may come through six months later (Conley).

The question of whether there was a pack in Idaho and, therefore, a population, turned out to be of major importance in writing the final plan (see pg. 93-95).

Jerry Conley felt that he had less pressure on him than probably anyone else on the Committee and, consequently, he thought he was able to enter the negotiations from a more neutral stance in terms of wanting to know more about wolves. At the same time, though, he was:

concerned from our standpoint that we be able to control under certain circumstances. I have no objection at all to having wolves in the state . . . as long as they're



managed like any other species of wildlife [with] quite a lot of flexibility.

Of the mindsets of other Committee members, Conley said,

Actually, I felt that everyone on the Committee . . . was committed to a certain level of recovery where, uh, the least might have been as long as they stay in the wilderness and don't eat any big game animals to any great degree, that's okay . . . That was probably the most restrictive viewpoint and certainly the other viewpoint was probably represented by the Defenders of Wildlife . . . Again, they didn't say they wanted unlimited numbers but they wanted wolves recovered in all three states in very adequate numbers and as long as they weren't basically causing a problem, uh, then they should be free to go about anywhere.

Fischer viewed the mindsets of some members as still at a point of whether there should be reintroduction, not how it should be accomplished. They appeared to have no interest in developing a workable management plan. Their goal seemed to be to come up with a plan that would not allow recovery to move forward.

Cool disagreed with idea that some were at a position of "whether" rather than "how" recovery should take place. The Committee assignment dictated "reintroduction"; however, some members did not (respondent's emphasis) support wolf recovery.

Some Committee members entered the negotiations with a bottom line in mind. A bottom line is defined as a position that is not going to be changed (Fisher and Ury 1981). It is a negotiator's worst acceptable outcome. A bottom line can be a form of protection for a negotiator in that it makes it easier to resist pressure and temptations. However, a bottom line has certain costs. It limits a negotiator's ability to

benefit from new information that comes out during a negotiation. Creativity in coming up with imaginative solutions is limited by a bottom line. A bottom line is often set too high and is usually too rigid.

Jim Magagna listed some fundamental things that needed to be a part of anything that he could agree to. His bottom line turned out to be very rigid.

They would be such things as that all wolves would be treated the same, irregardless of their source within the given geographical location. Uh, that wolves impacting livestock or whatever the other uses, but primarily livestock, . . . we'd have to have the freedom to deal with them . . . not subject to constraints of the Endangered Species Act . . . The one I mentioned earlier for me was a bottom line that anything that we came out of there with that involved a reintroduction had to have an upfront sanction by Congress. It couldn't just be an agency process.

The Congressional designation that Magagna was seeking was the declaration of all wolves in Montana, Idaho, and Wyoming to be experimental, non-essential. Such a designation was clearly outside the Endangered Species Act since one of the requirements of Section 10(j) of the ESA is that such a designation cannot be applied to existing populations of endangered species. Another requirement of Section 10(j) is that the designated populations must be wholly separate geographically from any existing endangered populations.

K. L. Cool's totally unyielding bottom line was State management. George Bennett's bottom line was "state management and effective control of the wolf by those directly affected, (hunters, livestock operators, fish and game

managers and negatively impacted citizens)." He would have preferred the delisting alternative. Bennett's bottom line was not as rigid as Magagna's, because he did not stick to it until the vote on the final proposal.

As Hank Fischer went into the Committee process, his bottom line was no change in the ESA and biologically sound (defensible) solutions. His bottom line was also firm, but not rigid. He willingly supported an alternative that did not agree with his bottom line. Fischer was also concerned that the Committee process would be one more delay in beginning the EIS process. Conservationists had been pushing Congress to fund an EIS since the approval of the recovery plan in 1987. At the time of the announcement of the legislation appointing the Committee, Fischer expressed hope that an EIS could begin immediately (Greenway 1990). The legislation that established the Committee also deleted a section of a previous appropriations bill that prohibited any money being spent for an EIS related to wolf reintroduction into YNP. It was unclear whether a study could begin immediately. If it was necessary for a delay in beginning an EIS until after the Committee's work, then Fischer felt that time was wasting (Greenway 1990).

The philosophical differences of the Committee members and technical advisors played a role in the perspectives of the negotiators. Jim Claar described some of those differences.

For instance [the] State Fish and Game Departments, . . . their clients tend to be consumptive users as opposed to the general public that the Forest Service serves which includes hunters, fishermen, photographers, bird watchers, all sorts of people. The State of Montana is beginning to change; that's evidenced by their Watchable Wildlife program . . . There are some differences as well . . . that probably relates back to the different missions of the different agencies . . . The private conservation groups tend to interpret . . . threatened and endangered species recovery, in some cases, as the most important objective whereas the Forest Service has to integrate guidance from several laws and regulations. So, those are some of the differences that have a legal basis and a basis in the mission of the agencies, but people who stay with a particular agency or a particular role over a period of years tend to do that because of personal preferences.

According to Pat Tucker, the three Federal agencies and the two conservation representatives were basically in agreement philosophically and fundamentally. Galen Buterbaugh agreed.

I think that's fairly accurate, yes. Thinking back on it now that was, seems to be on many of the issues, that's generally where we found ourselves. See, the three Federal agencies are bound by the Endangered Species Act. All three of them. And of course the two conservation representatives certainly were supportive of the Act and . . . were even more conservative about it or more aggressive about it. So that just automatically put the five of us in many issues relating to the Act and what we could do, you know, saying the same thing or agreeing.

However, in this situation, philosophical agreement did not translate into agreement on the final proposal.

### **Interpretation of the Congressional Mandate**

One of the primary influences underlying the mindsets was the interpretation that each Committee member placed on the Congressional charge. The law clearly states, "The

Committee's task shall be to develop a wolf re-introduction and management plan for Yellowstone National Park and the Central Idaho Wilderness Area" (see pg. 29) (emphasis added). Some Committee members viewed it as a mandate to come up with a plan to reintroduce wolves. Some of these Committee members were not faithful to the interpretations that they gave to the legislative language. Others felt that there was considerable leeway and that the Committee had the option of turning in nothing. Those interpretations also influenced the negotiation process.

#### Interpretation of Federal Members

It is common knowledge that Federal employees must operate under such legislative directives as a part of their job, since their funding comes from Congressional appropriations bills. Therefore, the assumption can be made that administrative officers at the regional level of Federal agencies are used to interpreting the intent of Congress within the language of legislation such as the bill authorizing the formation of the Wolf Management Committee. The Federal Committee members clearly interpreted the language of the legislation as a Congressional mandate to develop a reintroduction plan.

John Mumma clearly felt that Congress had issued a mandate that the Committee should prepare a plan to reintroduce wolves. "All they did was . . . [ask] us to

prepare this plan to reintroduce [wolves]." He explained that once the appropriations bill is signed by the President [of the United States], that's a contract and the task has to be accomplished by the Federal agencies. He said further, "I felt that the three [of us] were willing to do a lot of things to get the job accomplished that Congress gave us." Dan Neal reported that "Mumma was always pretty clearly trying to find some . . . way to answer this mandate from Congress, that they come up with a plan." Galen Buterbaugh suggested that the legislation mandated compliance with the Endangered Species Act. The legislation does not say that. The three Federal representatives were, however, bound by the ESA (Buterbaugh, pers. comm.).

Evidence of John Mumma's agenda, if it can be said that he had one other than complying with the Federal mandate, can be found in the following statement. "If [the] concerns could be identified, and then we could look at some ways to deal with [the] issues and still provide for reintroducing wolves, that would end up being the best world for everybody" (Mumma, pers. comm.).

As Lorraine Mintzmyer saw it, the NPS agenda required wolf reintroduction and that it take place under the ESA.

Well, of course, all along, there was on the part of the National Park Service a desire for the report to come up with a recommendation for the reintroduction into Yellowstone, and . . . the National Park Service's position, of course, would have been under . . . the umbrella of the Endangered Species Act.

Jerry Conley also noted the strong desire on the part of the Federal Committee to produce a report for Congress.

Other factions kept saying we've gotta have it. I gotta deliver it. You know, like Galen's part. I've gotta deliver it to Congress this Committee by this time . . . I think there was a little bit of feeling, on the part of the environmental groups that the Fish and Wildlife Service came down on the wrong side at the very last because they wanted to turn out a product for Congress (emphasis added).

While the Federal members may have felt that they had a mandate, they didn't seem to have a particular plan in mind, according to Wayne Brewster. The apparent agenda of the Federal representatives, i.e., to produce a report of any kind, had a negative effect on the technical committee. According to Brewster, "[there] was a lot of the frustration with a lot of the members of the technical committee in that there was virtually no direction from the Management Committee because they had no universally accepted charge except to produce something by May 15."

#### Interpretation of Other Members

Some of the other Committee members interpreted the Congressional legislation in the same manner as the Federal representatives. Hank Fischer read the charge as a directive to develop a reintroduction and management plan. Conley's view of the Congressional charge was that "[t]he basic thrust was . . . [to] see if [we could] draw up a plan that could be accepted by everyone that would speed up the introduction of wolves or at least . . . somehow speed up the recovery into

central Idaho and Yellowstone areas." George Bennett agreed that "the committee was charged to produce recommendations for a wolf recovery plan for central Idaho and Yellowstone Park. Specifically a wolf reintroduction plan." Cool said that the Committee assignment dictated reintroduction.

Jim Magagna did not interpret the Congressional language in the same manner as the other Committee members.

I think quite a number of us who were not Federal Committee members. . . felt. . . because our charge came actually from Congress itself, that it was within our realm to recommend legislative changes to Congress, if that's where we arrived, that we didn't have to be bound by current law . . . There were others of us [non-Federal members with] certain fundamental principles that we weren't willing to violate to get [an agreement].

Those interpretations framed the conflict surrounding discussions of the Endangered Species Act and later shaped the final proposal.

### **Summary**

This chapter has shown how the past relationships of the Committee members and their expectations of working together again in the future played a role in the manner in which they related to each other during the negotiation process. The reputations from past experiences, in particular, determined the mindsets and cooperation of the negotiators as they began the negotiation process.



## **CHAPTER 4**

### **THE NEGOTIATIONS**

#### **INTRODUCTION**

Having described the circumstances under which the stage was set for the negotiation and having examined the interpersonal elements that affected the negotiation process, it is now appropriate to investigate the negotiations themselves. A chronological summary of the meetings is presented first, followed by discussion of the controversy about the Endangered Species Act, the alternatives, and the two final proposals.

#### **THE MEETINGS**

The first meeting was held in Denver, Colorado, on January 23 and 24, 1991. At that meeting, ground rules were established and a multitude of "housekeeping" details, such as lodging and expenses, were handled. Some Federal technical committee members gave technical reports. Committee members outlined their concerns. The second meeting was held in Cheyenne, Wyoming, on February 6. The technical committee presented a list of issues that it felt needed to be addressed by the committee. The educational process began for the Management Committee. Margot Zallen of the USDI Solicitor's Office initiated explanation of the legalities of the Endangered Species Act. Two experts presented testimony.

The March 6-7 meeting was held in Boise, Idaho. There was further legal discussion of the ESA. Alternatives and general technical information were presented by the technical committee at this meeting as well as the following meeting in Helena, Montana (April 2-3). Additional expert testimony was received at both meetings.

The April 10-11 meeting was held in Denver. More alternatives were presented for the Committee's discussion. Members voted on alternatives presented by Pete Petera and John Mumma and a motion for monitoring the Idaho wolves. Mumma's alternative passed with a 9-1 vote. It appeared that the Committee had met its charge. By the final meeting on April 29 and 30, the agreement had fallen apart. Consensus now seemed farther away than it ever had. What happened between the two meetings that destroyed the agreement?

### **The Endangered Species Act**

Events leading up to the crumbling of Mumma's alternative centered around the Endangered Species Act, the most emotional and contentious aspect of the discussions. The Wolf Management Committee negotiations necessarily had to take place within the limits of the Endangered Species Act. The gray wolf is an endangered species in all of the lower 48 states except Minnesota where it is listed as threatened (U.S. Fish and Wildlife Service 1987). However, the ESA also provides for the designation of "experimental nonessential"

for reintroduced populations of endangered species outside their current range. The Northern Rocky Mountain Wolf Recovery Plan recommends that wolves reintroduced into Yellowstone National Park be designated an experimental nonessential population, but recommends that natural recolonization be allowed to occur in northwest Montana and central Idaho (U.S. Fish and Wildlife Service 1987). Wolves that are listed as endangered have far greater protection than those listed as experimental, nonessential. The experimental designation allows each member of an experimental population to be treated as a threatened species (with a few exceptions). That, in turn, allows greater management flexibility for both wildlife managers and livestock operators for wolves that are involved in predation of domestic animals.

Because of the recommendation of the recovery plan, many Committee members were aware of, and interested in, the Management Committee exploring the experimental nonessential designation. However, one facet of that designation was disagreeable to some other Committee members. Any member of an experimental population that crosses the boundary of the designated area is treated as endangered. Therefore, those Committee members believed that the experimental designation was still too restrictive and wanted the Committee's report to recommend delisting the wolf immediately. When attorneys explained that it was unlikely that Congress would act on such a proposal (Minutes, April 10-11), the experimental

nonessential approach became the preferred option for those who had favored delisting. Still, that concept was more complicated than most Committee members realized. Michael Bean explains.

Well, I remember quite clearly the first meeting I attended, which was in Boise. There had been one or more meetings prior to then and I arrived not long after the technical committee meeting . . . had begun, . . . and I should point out that at least some members of the Committee often were present and took part in the meetings of the technical committee . . . I remember the first meeting I attended . . . It was immediately evident to me upon arriving at the meeting that nobody else understood the fact that under the experimental population . . . provision of Section 10(j) of the Endangered Species Act that an experimental population could not encompass an area in which . . . animals of that same species occurred without being introduced there . . .

Specifically, the law states:

[T]he term 'experimental population' means any population (including any offspring arising solely therefrom) authorized by the Secretary for release under paragraph (2), but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species (emphasis added).

. . . And I remember when I pointed this out to people, it took them all by surprise. And the significance of that . . . at least in part, is that the final plan recommended by the Committee . . . included a significant area in which wolves either do or likely may occur . . . already . . . and . . . in part that was, I believe, a product of the fact that the Management Committee had . . . started out with this misperception that they were free to draw the boundaries of an experimental area however they chose and, uh, were reluctant to . . . abandon that . . . desire even after they later learned that it cannot be done under existing law. The technical committee at that time was meeting . . . separately from the Management Committee, although George Bennett was in the room . . . and so the technical committee and George Bennett . . . when I walked in, . . . were talking about drawing the experimental population boundary here or there or somewhere else and it was

quickly apparent to me that they were including in that area, areas where I thought wolves were, and, uh, so I brought up this point and it was immediately apparent that that group was unaware that they weren't free to draw the lines as they chose . . . (Bean).

The actions that Bean observed had occurred despite advice to the contrary from Margot Zallen. The minutes of the February 6 meeting reveal that Zallen had previously informed the committees that the Act prohibits an experimental designation where there is already an existing population. There must be geographic separation. She had also instructed them that when they were defining geographic boundaries to avoid drawing a boundary line immediately adjacent to an area where a population already existed.

Once the Committee had been convinced that there were limits to where the boundaries of an experimental population could be drawn, their focus turned to defining "population" in order to continue an attempt to draw boundaries where they desired. Discussion became contentious. Some Committee members were determined to find a way to include all wolves in the experimental designation because of the management flexibility encompassed within that designation. Other members were just as determined that the Committee not undermine the Endangered Species Act.

. . . Well, after this issue was fully aired there then ensued over the course of several weeks, some effort to stretch, if you will, the language of the law by exploring the question, well, what does it mean . . . for a population of naturally occurring wolves to be present in an area? Does that mean . . . there must be evidence of reproduction there? Does it mean that there must be. . . regular and repeated . . . and continuous presence in

that area? Uh, there was a fair amount of effort on the part of . . . a group that consisted of, . . . for the most part non-lawyers, to . . . guess what Congress meant. And I think by the time the process ended . . . at least some members of the Committee may have felt that the words of the Act were sufficiently . . . ambiguous with respect to an animal like the wolf, that they . . . send lone individuals long distances . . . from time to time but [they don't] necessarily continuously occupy and reproduce [in] any particular area, that they could get away with what they were doing. With each new bit of evidence, if you will, as to the nature of wolf presence in Idaho, there was a new . . . rationale why we should ignore that. First of all, there was reluctance on the part of some to acknowledge that there was any reliable documentation of wolves being present anywhere in Idaho. Secondly, even if there were reliable documentation of wolves being present, there was no evidence that they occurred regularly more than intermittently, and even if they [did], there was no evidence that they were reproducing there, as though those things were determinative of whether you could include the area within the boundaries of an experimental population (Bean).

Well, certainly in the areas where there are currently wolves that, and that of course was one of the issues that we laid on Congress in the final report was that using the experimental nonessential designation where you already have wolves is clearly outside of the intent and the language of the Endangered Species Act and only Congress can do that. Now the gray area comes in sort of like if a wolf just walks through an area, does that automatically void the experimental non-essential designation or does it mean that you have to have a reproducing population established in the area. For example in Yellowstone. And do these sightings that have never been verified in Yellowstone mean anything in terms of experimental nonessential? And of course we took the position that what it probably meant was that you had resident-- that you had-- The species was there living in a permanent population and it was probably reproducing, there was no way we could use experimental nonessential if there was clearly an established pair of wolves in an area in the Yellowstone ecosystem, for example, and even more so if they had, there'd been reproduction, it was ruled out. But some folks wanted to believe that you still could do that. And so what we ended up with was we wanted to have that flexibility to use that designation which all of us agreed is good, but that only Congress could do that because it was clearly outside the current language in the Endangered Species Act (Butterbaugh).

What could you do with existing populations[?] In fact, that was one of the real key elements of the whole -- Whole another agreement was how to deal with the State of Montana, for example, that had existing animals or, for that matter, Idaho. Did a population exist and, if so, what was called for? What could you do? Could you introduce into existing populations? . . . We'd start to say, well, now, umm, we think we could all agree on this . . . and the attorney would say, well, it's not clear in the Act that since you have existing population -- Well, what's a population? That's my point. Well, we're not sure. And we'd get into this big drawnout discussion of what a population actually was. One animal, two animals, ten, two packs, four packs, what? (Conley).

The Endangered Species Act does not explicitly state that an endangered animal must be part of an identified population in order to be protected under the Act. The confusion over the need to have a definition of a population apparently grew out of the fact that an experimental "population" is specifically defined under Section 10(j) as separate from nonexperimental "populations." It reads, " . . . any population (including any offspring arising solely therefrom) authorized . . . for release . . . only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species". Idaho in particular was concerned with defining a population of wolves because wolves had been sighted there only recently. Such wolves would have to be managed as endangered animals, because they were there through natural dispersal, not reintroduction.

We have not seen any pack activity in the state. We have one wolf that's collared that's . . . in the state that came in from Montana. We had a female-- It was a male. We had a female earlier in the state. We were thinking they were sort of trying to get together but

they must have missed each other. But so far we haven't really had any verified pack activity. Which in our minds means that in essence we don't really have an established population. What we have is solitary wolves wandering in and out of the state. At any one time there might be 8, 10, 12 wolves in the state (Conley).

Jerry Conley's explanation seems to reveal an anxiousness to be able to declare those wolves experimental. The reasoning for that designation would be that if there is no verified pack activity, then an established population does not exist and that solitary wolves do not merit the endangered status. Conley did make a statement at the April 10-11 meeting that there is no evidence of a population in Idaho.

Some Committee members believed that the Committee had the option of coming up with a plan that would require Congressional action on the Endangered Species Act, while others maintained that the Committee's plan should be within the realm of the ESA.

Well, [the Endangered Species Act] certainly restricted some of the things that were discussed or came up at different points as not being feasible because they were illegal under the Endangered Species Act. In fact, when we got all through, there's still some question that our final document didn't comply with the Act and actually it does not . . . fully stay under the . . . authority of the Act, but that was done on purpose and it was sort of like up to Congress if they want to implement that. The Committee members knowingly, or the majority of them came up with a proposal that they knew was outside of the authority of the Endangered Species Act. In effect, what they said was, Congress, this is what we think ought to be done. If you like it, you're gonna have to pass legislation to make it go into effect. It can't go into effect without that (Buterbaugh).

Well, [the ESA] was a real, probably one of the biggest stumbling blocks in some ways [with] everybody's different interpretations . . . It tended to limit very much the flexibility because, I think [the attorneys]



were sort of saying, you don't have as much flexibility as the Committee members thought they did for the same reading of a particular law. I think that the Federal folks that were on there . . . basically concluded that to get to any kind of solution, they were going to have to . . . use the maximum flexibility as they saw it, and they went ahead and said, well, we're just going to assume that the law could be interpreted this way, which will allow the following to take place. You know, we can introduce, even though we have a population there, we could work out a system where State control could take place under these circumstances (Conley).

There was a distinct disadvantage with the terms of the Act or for the need for the Act . . . altogether on the part of some Committee members. And, so, there were some people who wanted in this process to propose a . . . change to the Endangered Species Act as a part of this project. There were those of us who were on the Committee knew of the abiding disinterest on the part of the Congress to open the issue of the Endangered Species Act and that still is the case. If you read the papers right now, you'll see that in the case of the spotted owl, that there still is that reluctance on the part of Congress to even address the issue and, uh, to open it up, so we were able to, through that kind of communication persuade those who thought that was the way we should go, that that certainly was going to be the kiss of death for the report's survival (Mintzmyer).

Well, maybe that's one of the things that got lost . . . either inadvertently or deliberately but the nonessential experimental population-- There's a law and regulations that very specifically describe that process and procedure and what that means. The experimental population recommendation that finally came out of the Committee is just that; it's their perception of an experimental population. I mean, that . . . their final proposal likely could not be done legally and they recognized that. That in order to implement their version of an experimental population you would have to have special legislation or amendment of the Endangered Species Act . . . Basically . . . what the one side was arguing for . . . would require amendment of the Endangered Species Act and . . . certainly an abrogation or a . . . significant departure from the common procedures on doing EIS's and special regulations and would have had to have had support of either Congressional sanction or other laws to make it not legally challengeable (Brewster).

The conservationists were concerned not only with amending the Endangered Species Act but with the ramifications of such an action for other species as well.

But even the one we did end up with, . . . the one that the Defenders and Federation felt they couldn't support, I think their legal advice-- Maybe their philosophical feeling was that this was gonna be too big of a change on the Endangered Species Act (Mumma).

Why, certainly I think the Endangered Species Act . . . had a tremendous impact on, not only on the product that we finally came out with but perhaps even more so on the fact that we weren't able to reach a unanimous decision on that product. And I really came to feel as we went through the process that, and this is my perspective on some of the pro-wolf groups that were involved, not necessarily on the individual players on the Committee but at least their constituencies that maintaining the integrity of the Endangered Species Act, uh, was a primary consideration (Magagna).

So, if the Act could be amended for wolves it would open it to be amended for other species . . . We certainly believed that . . . one of the amendments that would have been required of the Endangered Species Act [would be] to basically relist a naturally occurring endangered species as experimental nonessential, which is not at all in keeping [with the Act]. I mean, you could do the same thing with spotted owls. We'll introduce a few owls to the Pacific Northwest and call the whole schmeer experimental nonessential and go about our business. So, that was kind of the scenario that environmentalists see immediately when that kind of stuff comes up (Tucker).

One technical committee member described what he viewed as a flaw in the Act.

The fact is, there's a flaw in the Endangered Species Act with regard to experimental populations and the wolf and it isn't gonna work and so that's why we felt it needed to be pointed out, and most of the Committee members did, that there had to be some Congressional action because if you read the Act under experimental populations, it says you have to have a reintroduction . . . You can't put the designation on an existing population . . . The flaw is that the Act says that . . . an experimental population has to be wholly

separate geographically from a natural population and there's no way to separate central Idaho and Yellowstone from what's already there. I think it's a safe thing to say that all of the Committee members agreed that the flexibility available under the experimental population designation was desirable but the glitch was that it wasn't possible. I mean, there was enough gray area there about whether it was possible, and then from our perspective in Montana, too, was that, how does this help us with the wolves we've already got. I mean, what we see is that the flexibility necessary to manage wolves in the Rocky Mountain Front is no different than that needed in the Paradise Valley by Gardiner. You need the same flexibility, no matter where the species occurs. So, see there was that problem there and the only way to get through that was some sort of Congressional action (Dood).

### Attorneys

Because of the significance of the Endangered Species Act upon the Committee's negotiations, attorneys were a part of the process. Their purpose was to clarify the meaning of the Act and intent of Congress in writing the Act. As mentioned, Michael Bean is an attorney who specializes in the ESA. Margot Zallen of the Solicitor's Office, Fish and Wildlife Service, attended all the meetings. Carolyn Paseneaux and Jim Magagna are also attorneys. Attorneys from the Defenders of Wildlife and National Wildlife Federation were also in attendance (Mumma, pers. comm.). Bean and Zallen contributed significantly to the discussion of the ESA, but at times created uncertainty for the Committee. Their opinions conflicted primarily around the experimental, nonessential designation.

Bean clearly thought that there were . . . points where she was saying that-- The Solicitor's office believed they could go ahead and do some things and Bean was saying, no, this clearly conflicts, [particularly around the experimental designation] . . . That, of course, is where Bean's expertise is . . . and it seems to me that . . . he kept making that point enough that . . . Buterbaugh eventually was saying that, you know, we may have to get Congressional approval to do this . . . I think Zallen was trying to find a way that they could draw these lines and, uh, Bean was there constantly saying, it's very hard to draw these lines. I think basically by the end of it, his opinion had won out. I think everyone agreed that they were going to have to have a Congressional stamp of approval that said, we as Congress accept these lines. That otherwise they would be challenged (Neal).

Some Committee members expressed frustration with the constant attorney attention.

Seemed like we had more attorneys following us around. You had an attorney representing the Solicitor's office for the Department of Interior that attended the meetings. Carolyn Paseneaux's an attorney. Jim Magagna's an attorney. And we had attorneys from the Defenders of Wildlife and National Wildlife and we were just kind of followed around by all these legal minds and all with a different interpretation of what this meant or didn't mean or what it would mean or wouldn't mean (Mumma).

And we had, you know, attorneys from the Department of Interior interpreting the laws and . . . one of the real hangups was the constant . . . attorney . . . interpretation saying, well, this is what you can do, you can't do, and this is an area they're not sure about. We'd start in a certain direction trying . . . to form a solution to a particular problem and the attorneys would say, uh, uh. Woop, lookie here. On section so-and-so, page 12 of the, whatever, Endangered Species Act or certain interpretation of the Courts, you may not be able to do this . . . And that tended to . . . limit very much the flexibility because, I think they were sort of saying, you don't have as much flexibility as the Committee members thought they did for the same reading of a particular law (Conley).

## **The Alternatives**

During the negotiation process, the Committee considered nine alternatives which were constructed by the technical committee. All of the alternatives were related in some manner to the Endangered Species Act, either in full compliance or requiring amendment. Based on the Committee's report (1991) submitted to Congress, the alternatives are outlined below.

Alternative A provided for natural recovery of both areas and full protection under the Endangered Species Act wherever the wolves would occur. This alternative was a "no action" alternative since that is the management plan now in place in accordance with the recovery plan. States were encouraged to participate, "as far as permissible," in developing management plans. They were also encouraged to demonstrate interest in recovery and management in order to reduce public resistance to recovery. Control of depredating wolves would continue as currently practiced in Montana.

Alternative B provided for reintroduction under the designation of "nonessential experimental" under three different options. All of Idaho and Wyoming, and the portion of Montana south of Interstate 90, Highway 12 and east of Interstate 15 would have been designated the "experimental population area." This alternative would have required legal definition of "population" and "geographically separate and distinct." States would have been allowed increased input

into the management plan. There would have been greater flexibility in the management of the species itself, especially as it impacted ungulate populations. Wolf control would continue as currently practiced in Montana. Take by private citizens would be limited to an animal in the act of depredation and reported to the proper authorities within a specified time.

Alternative C provided for legislative alteration of the classification of wolves. Two options delisted wolves in the three-state area, except northwestern Montana. A third option delisted wolves completely in the three states. Management, except in the protected areas, would have been turned over to the States with wolves managed as other game or nongame animals.

Alternative D was simply a provision that Congress would modify or confirm any alternative that the Committee came up with. Alternative E delisted wolves in the three states under two options, one with reintroduction, the other without. Management outside national parks and wildlife refuges would have been under State authority and according to individual State classifications, e.g., a predator in Wyoming.

Alternative F was presented by Pete Petera. It would have delisted wolves in the three states, except within the national parks, and given exclusive management to the States. Two options provided for reintroduction while the third did not. The States would be responsible for allowing private

take, designating "no-wolf" areas, and regulating hunting, while at the same time, managing for recovery of the species.

Alternative G was presented by Larry Shanks, Chief of Endangered Species of Region 6 of the Fish and Wildlife Service. This alternative was a "Tri-State Management Plan." Wolves would have been reintroduced into YNP and central Idaho under the experimental designation. Buffer zones were to be created around those two areas. A joint team of State and Federal personnel were to prepare management plans. The intent of this alternative was to maximize State management flexibility. Control of wolves continued according to current practices, and private take was allowed if a wolf was in the act of depredation.

After presentation of the above alternatives, the voting process began at the second to last meeting. Jim Magagna moved that the Committee accept Alternative F, Option 1 (reintroduction into YNP, natural recolonization in Idaho). Five voted in favor of the alternative, four against, and one abstained<sup>9</sup>. Two additional motions were made to modify the alternative. After their consideration, the alternative was again voted on, resulting in a 5-5 split. The stage was now set for the final confrontation.

#### **Mumma's Proposal**

At the April 9-10 meeting, John Mumma presented Alternative H, termed a "very delicate negotiating option" by

Lorraine Mintzmyer. He combined several parts of the above alternatives in an attempt to put together a proposal that all Committee members could support. The alternative incorporated the experimental nonessential designation in all areas of the three states except the Glacier National Park area. The management aspects of Alternative F, Option 1 would be used as a guideline to prepare a management plan as long as they did not conflict with other provisions of Alternative H. This item met the needs of those who desired more State control. The alternative called for a Federally funded joint Federal-State EIS. All funding for development and implementation of management plans would be provided by Congress. Funding for management of wolves was a primary concern of all three State directors, so this line met that need. The three States and Secretaries of Interior and Agriculture were to work out cooperative agreements for monitoring and review. A standing committee would be established to review the activities provided for under this alternative. Further, a subcommittee would be established to carry out information and education activities, meeting the concerns of the conservationists and Mumma himself regarding public education. Mumma explained what happened next.

If . . . concerns could be identified, and then we could look at some ways to deal with those issues and still provide for reintroducing wolves, that would end up being the best world for everybody. And, in fact, that's kind of what the Committee really tried to do. In fact, we had a 10-0 vote going until the last minute when Jim Magagna pulled out, did an about-face on us . . . I got plenty irritated at the whole process and made a proposal



that had everybody working on the wording. Giving everybody something that they wanted and still working toward the objective of introducing wolves and taking care of all those concerns. So we went through it very methodically, everybody participating, and Jim was participating very actively, and then at the last minute, we had a vote and it was 9-1. And I said I wanted a vote that the entire committee could endorse, a 10-0 [vote], even though the appropriation language said you only had to have a vote of six . . . It sure was ironic watching that whole process develop, 'cause a lot of people saw it happen, and, you know, him participating and then at the last minute canceling his vote . . . [Magagna was in favor of wolf recovery] under a certain . . . extremely tight conditions, you know. But that's what I said we did. We went through and methodically addressed those particular issues that people would bring to him and he would bring forward and all that. And we accommodated every concern. Every concern that was there.

Mumma was obviously upset that Magagna had voted against his proposal, thereby thwarting an opportunity for true consensus. Mumma had no desire for his alternative to go forward as the Committee's recommendation without the complete agreement of the Committee. Nevertheless, it did command the required minimum of six votes, so the alternative was turned over to the technical committee to detail the management plan. The technical committee worked until 2:30 A.M. the night prior to the next meeting of April 29-30, finalizing the draft plan. What happened at the Committee meeting the next day is not clear. Memories of respondents reveal different details. The minutes reveal the beginning of the collapse of the agreement. The decision was made to vote on pieces of the draft recommendation rather than the whole document. At that point Jim Magagna and George Bennett stated that they had voted only for the concept of Mumma's alternative. Mumma objected,

saying that the Committee had "agreed to the parameters of the draft." Bennett responded that he had voted only for the technical committee to write the draft.

Several respondents attempted to explain how the events surrounding Mumma's proposal got so complicated.

Mumma came up with what I thought was a fairly decent compromise at one of those late April meetings . . . that I thought that everybody could go along with, and then somehow . . . Bennett and Magagna and those guys figured out that they really had . . . developed more control over the situation and they dug their heels in and then . . . I think they figured out that someone would send a directive to these agency heads that they had to reach a compromise, so then they really held back and . . . turned Mumma's fairly decent compromise into a compromise that . . . really the environmentalists couldn't handle. Mumma . . . said, look, we will just draw a line and say on this side, they're experimental and on that side they're . . . regular endangered animals. And . . . I think that . . . Fischer and Dougherty, maybe not Fischer, but Dougherty might have gone for that except with the stuff that happened subsequently . . . I was thinking about that last meeting, and . . . how . . . what had started out as the compromise that these guys might be able to go for . . . really sort of turned into something that they just couldn't stomach . . . Mumma was really interesting . . . The day that they finally came up with this plan, the first day of, he really laid into Bennett . . . and Magagna on how . . . you guys have got to compromise, and . . . it looked like they were finally coming around . . . and then it was like the . . . compromise took on a completely different complexion once they started working it out and . . . turned out that Dougherty and Fischer were the ones who couldn't handle it . . . And [Mumma] made a very . . . eloquent appeal . . . that . . . in classic situations like this one, people have to be willing to give and . . . was making the argument that his plan was the one that they could give on (Neal).

John Mumma tried very, very hard . . . He made a very eloquent presentation of why they had to do it within the existing law, why they had to address not only livestock concerns and hunting concerns but I guess the higher moral ground of conservation because to do less would not sell to the American people and to the Congress, so I think he had -- Well, he did. He forged,

at least the philosophy and the framework of an alternative that all except Jim Magagna voted for, and that . . . was when the light went on in my mind that . . . Jim didn't necessarily care whether the alternative was accepted. And when it came up the next day, when we, when the technical committee started fleshing it out . . . was when George Bennett figured out that he was supposed to be voting with Jim Magagna (Brewster).

Well, what happened in my humble opinion is that relations with the Fish and Wildlife Service and the State of Montana -- We thought we had an agreement from one meeting on what the report was going to say and so forth and the technical committee was supposed to write it in that fashion. We came to a subsequent meeting and during the intervening time, there had been a major broohah-hah between the State of Montana and the Fish and Wildlife Service on a particular issue unrelated to the wolf issue but nonetheless, it polarized the two to the point where that very delicate negotiating option which was put together by John Mumma was subsequently just -- The State and the private sector converged to end up with a majority that just threw it all out all over again (Mintzmyer).

[At the] next to the last meeting Mumma put forth a proposal that did include northwestern Montana and central Idaho as part of the big experimental population and it got voted on 9-1. Magagna was the only one who didn't vote for it and Hank and Tom Dougherty both voted for it and the reasoning was not that they agreed with that, but that they agreed that that could go forward as . . . a preferred alternative in an EIS and it was more to promote the EIS process and both of them felt like that alternative would be when it was looked at, the experimental population would be shrunk because there were wolves in this area, and of course, that wasn't at all why the livestock or states voted for it and so, in a way, I think there was some not real great communication going on there during that preliminary vote because when it did get down to more specifics at the last meeting, it totally fell apart and nothing got done that afternoon of the last meeting (Tucker).

People had a different sense of what they were agreeing to on that original vote. It was late in the day and Mumma was really pushing hard to get people to buy into this thing and I think that there wasn't a clear understanding of what they were agreeing to. And that's why, in the end a breakdown. To the conservationists, they were agreeing to a concept of a compromise, that might explore [Mumma's proposal] and they were basically

trying to facilitate keeping movement going. Whereas Mumma, I think, felt that people were agreeing more to specifics of his proposal. That's my own interpretation. And then when it came down to fleshing that thing out and the options, I just can't remember what came first, where things were derailed but I think it was basically a function of the fact that people were misinterpreting (Askins).

Perhaps the most interesting response (and an excellent example of selective memory) to the query about what happened on Mumma's proposal was Magagna's.

You know, I even have to stop and think, I'm not sure that I remember the nature of his proposal at this point in time. It'll come back to me if you give me a few hints . . .

A few hints did trigger his memory.

Okay. But as I recall . . . the fundamental reason why I could not support it, even though there were a lot of points that I could support was what I felt, the need to have the upfront declaration by Congress. We did not feel in the livestock industry and the other groups that I represented that we could have something that was strictly in the hands of the agencies, given the power of the Endangered Species Act and that was the key point for me, that Congress would declare that all wolves in that area were experimental. Under John's proposal, you know, we were still bound by the Endangered Species Act and any wolves that might get in there other than through reintroduction were gonna have full force and protection of the law.

Of Magagna's decision to vote against his proposal after appearing to support it, Mumma said, "My sense is that finally he realized that we'd taken care of all of the concerns and still provided for wolves, and I'm not sure how he could go back to his constituents."

At this point in the process, the Committee voted on four different versions of Mumma's proposal. The minutes do not report what those versions were, but they are worth mentioning

because the results on three of them were five votes in favor (the votes against were not recorded), adding credibility to a suggestion that there was a 5-5 voting split among Committee members (to be discussed later). It appeared that a deadlock had developed. Both Mumma and Fischer told the Committee how disappointed they were at the unwillingness of some members to bargain in good faith. The meeting adjourned for the day, with the agreement that the Committee would try again the next morning for an hour and if no progress had been made at that time, a negative report would be prepared.

### **The Final Proposal**

By the next morning, John Turner, Director of the U.S. Fish and Wildlife Service, had gotten involved as a "third-party" intervenor. He was concerned that a stalemate seemed imminent. A third party intervenor is someone who enters into the negotiation in order to "enhance the harmony of the exchange and the probability of agreement" (Wall 1985). Typically, the third party is a neutral person who serves the role of intermediary, facilitator, mediator, fact finder, or arbitrator or any combination of those roles. While Turner was not an impartial third party, he had a strong desire that the Committee not present a negative report to Congress. It cannot be said with certainty that Turner enhanced the harmony of the negotiation, but he certainly enhanced the probability of agreement, not through cooperation but through concession

and persuasion.

At some point there Turner, either personally or through one of his aides, had gotten to Buterbaugh that look, . . . there has to be a plan come out of this Committee and we will go for this . . . version that . . . Magagna's pushing and . . . we'll get Congressional approval for it. And so Buterbaugh then, by then was, I thought, was just doing, you know, was basically being a good soldier and doing what his boss wanted (Neal).

Galen Buterbaugh described Turner's intervention.

Well, actually, [Turner] had been briefed. I was keeping him informed through the whole process, particularly as we got down close to the end so there were . . . numerous discussions with either he or Doug Crowe on his staff, who was kind of his person that kept, actually came out here for one of the meetings . . . when we started to get down closer to the end and so there were discussions back and forth, mainly where I just informed them where we stood and the issues and everything so we just had a discussion, but at the very end he actually talked to Jim Magagna who -- The two of them went to college together. And so they were close personal friends and they actually had a discussion sometime the last evening as I understand it and then Turner called me the next morning and said that he had talked to Jim and that he had some suggestions on some things that he thought he could live with and wanted to know if I could live with them, if we recommended them. And so we discussed that at some length and I talked to my staff and part of my staff was opposed and part of it was for, I mean, you know, supported it so it was kind of I didn't get any really good feedback there but then it was brought up in front of the Committee and that's . . . where we ended up with . . . the final recommendations.

Jim Magagna told of his conversation with Turner.

He talked with me and he said . . . what do you have to have? and I explained to him . . . the one or two major, you know, assuming the details had pretty well been worked out, one or two major things that I had to have in terms of the upfront Congressional guarantee and I'm not even sure what all else and I presumed he talked to others, too, the same way.

Of his friendship with Turner, Magagna said, "Doesn't mean that there's too much that we agree on it, but we are able to

talk with each other and do so quite often."

Michael Bean explains what he perceived as the mindsets of Committee members as they were faced with the choice of supporting Turner's proposal or turning in a negative report.

I said a moment ago that I thought the Interior, the Federal agencies were determined primarily to get agreement on something and . . . there was . . . considerable . . . frustration at the last meeting that in fact it might not be possible to get agreement on anything. . . And . . . the state directors and . . . Magagna and Bennett . . . had stuck together on everything up to that point and from the point of view of the Federal agencies . . . if they wanted [6] votes for anything they clearly couldn't get [6] votes by casting their votes with the environmentalists so long as the industry and state directors stayed together, so I think, in the 11th hour of that process that Federal agencies decided that they would go along with whatever the state and industry interests wanted . . . for the purpose of getting an agreement, that had the necessary [6] votes behind it.

Those who supported the final plan explained how they came to the decision to do so, despite the fact that it was outside the realm of the Endangered Species Act, thus requiring subsequent Congressional action before implementation could take place.

Well, [the final proposal] was essentially very close to the one I tried to get everyone on the 10-0 deal. And we adjourned the meeting one day to see if people, to let people think about whether they really wanted to try to get a product through, and I said, you know, "It's gonna be really embarrassing for 10 educated people to turn back to Congress and say, well, we couldn't ever give you a plan because we refused to do something." But, the Fish and Wildlife Service Washington Office . . . offered up some items . . . I think those issues then had to do with some of the States' rights issues and the Fish and Wildlife Service was willing to do certain things . . . As I recall, that's what ended up going forward and we actually voted on it. 'Cause the states were agreeable then . . . but then it appeared we'd gone too far in one direction then

away from conservation of the species, from an endangered species standpoint and the two wildlife [conservation] representatives then couldn't support us . . . And there was . . . legal debate, even between the different attorneys that were sitting there watching and providing their oversight as to whether this could even happen or not. They just thought it might not have the legal foundation (Mumma).

In fact, when we got all through, there's still some question that our final document didn't comply with the Act and actually it does not . . . fully stay under the . . . authority of the Act, but that was done on purpose and it was sort of . . . up to Congress if they want to implement that. The Committee members knowingly, or the majority of them, came up with a proposal that they knew was outside of the authority of the Endangered Species Act. In effect, what they said was, Congress, this is what we think ought to be done. If you like it, you're gonna have to pass legislation to make it go into effect. It can't go into effect without that . . . And we ended up I think with a vote . . . It was like, one, two, three, there was what seven out of ten. I was thinking the environmental community and Lorraine-- Oh, but she abstained. So, it would be 7-2 and one abstention. [And then there was a vote to add one more statement that she suggested and one that Jim Magagna suggested and then it went 8-2] I think the two environmental folks . . . were opposed to it then . . . And I think there was some, there may have been more discussion that I still don't know about today, but I know that Jim was right in the middle of that and he probably had met with the State folks and, uh, I'm just not quite sure what all went on there at the last minute, . . . in the evening and that morning because it got pretty hectic there towards the end and I'm not sure any of us knew exactly what, frankly exactly where we stood on everything we voted on and, uh, afterwards, I think there was some folks that wish we'd have had more time and there was a better way to do it but we had a deadline and we had very little choice (Buterbaugh).

I think that to reach the final agreement . . . I give full credit to the Fish and Wildlife Service . . . sort of saying, well, we're in a real deadlock situation here. We gotta come up with something a little bit different on a couple of points and we tried before, and I think they made some concessions at the last that basically allowed the agreement that was reached to go forward. They made the rest of the Federal agencies feel comfortable and . . . I think there was a little bit of feeling that, on the part of the . . . environmental



groups that the Fish and Wildlife Service came down on the wrong side at the very last because they wanted to turn out a product for Congress . . . The acceptance of . . . the final product . . . was sort of left up in the air . . . You couldn't get 6 votes to go on this until basically John Turner and Doug Crowe sort of working with Galen . . . came up with some slightly different version . . . that were . . . some concessions on the Fish and Wildlife Service's part toward the State . . . at the last and the livestock folks were willing to buy off on that and so you ended up with kind of a coalition there of all the Federal agencies then saying, okay, it's acceptable. We can vote for this. So suddenly you had a 8-2 vote (Conley).

Buterbaugh defended the Committee's decision to formulate a plan that did not stay within the parameters of the Endangered Species Act.

And so what we ended up with was we wanted to have that flexibility to use that [experimental] designation which all of us agreed is good, but that only Congress could do that because it was clearly outside the current language in the Endangered Species Act (Buterbaugh).

Fischer felt strongly that the final proposal was not legally sound and believed that Congress would reject it. He also believed that the State directors went along with the Turner's proposal, believing that he knew the laws. Mintzmyer was disappointed that the final proposal took the direction that it did and said that she would have been much happier with the proposal that Mumma made.

As for other Committee members' feelings about the final proposal, most were pleased with the product. Conley said that he was comfortable with the final product "as were most of the other folks there." Both Bennett and Cool indicated that the final proposal was the result they were hoping for. Bennett termed the final proposal "an acceptable compromise

for all but the two more extreme pro-wolf advocates." Cool called it an "excellent management approach to an emotional and polarized controversial issue." He also stated that he "was disappointed in the failure of the Congressional Committee to recognize the merit of the [Wolf Management] Committee's final report."

The final proposal incorporated many of the same components of the other eight alternatives. It recommended designating all of Idaho, Wyoming and Montana, with the exception of the Glacier National Park area, Yellowstone National Park, and National Wildlife Refuges as nonessential experimental areas. Inside the national parks and refuges, wolves would be classified as endangered. Management authority outside the national parks and wildlife refuges would be given to the States. The States were required to develop management plans in agreement with the Secretary of the Interior. Included in the management plan would be the "right of the States to manage wolves and their unacceptable impacts; and the responsibility to pursue wolf recovery." One of the unacceptable impacts included in the final proposal that was significant in losing the support of the conservationists was the right conferred unto "livestock operators or their agents" to take a wolf in the act of "harassment." Harassment was too lenient a provision in the minds of the conservationists. That meant simply that a wolf walking through a pasture could be deemed to be harassing

livestock and, therefore, highly vulnerable to being removed.

After the final alternative passed, the remainder of the time was spent in detailing the management matrix. The conservationists were, for all intents and purposes, excluded from the remainder of the process. Their comments and suggestions were ignored (Fischer, pers. comm, Tucker, pers. comm.). During that time, members were also concerned about catching flights home and so the final work was rushed through without consulting the technical committee (Tucker, pers. comm).

## **CHAPTER 5**

### **ANALYSIS**

#### **INTRODUCTION**

Thus far, this paper has primarily described the Wolf Management Committee negotiation process. Description alone does not explain why events end up the way they do. It merely sets the stage for a closer look. Some segments of the negotiation process have been examined previously in this paper. This chapter will complete the analysis of the negotiation process of the Wolf Management Committee from a broader context. Several factors are considered: organizational questions, external influences, incentives to negotiate and underlying conflicts.

#### **ORGANIZATIONAL QUESTIONS**

One place to begin when analyzing a negotiation is to examine the organizational nature of the conflict. Following Raiffa (1982), certain questions can be posed to begin the inquiry.

Is there more than one issue? Wolf reintroduction is a one-issue conflict (reintroduction versus natural recovery) with many sub-issues, such as predation and compensation, State or Federal management.

Are there more than two parties? Many parties are

interested in the issue and may be either directly or indirectly affected by the outcome of the negotiation. Management agencies and citizens who live in a recovery area are examples of those who may be directly impacted. Conservation organizations and citizens who do not reside in a recovery area but have a vicarious interest are examples of those who are indirectly affected. Therefore, this was a many-party negotiation.

Is the negotiation repetitive? The Wolf Management Committee negotiations could be termed repetitive. That is, negotiations may occur again between the same parties (Raiffa 1982). Bargaining is likely to be more cooperative when repetitive. A high value would be placed on future relationships in a repetitive situation.

Are there linkages? When parties will meet again in other negotiations, linkages may be used to facilitate agreement. For example, the State directors were interested in more State management. In Montana, an agreement to give the State greater say in management of grizzly bears might have resulted in the State being more cooperative over wolf management.

Are the negotiations private or public? This negotiation was a very public affair, with the media in attendance as well as other observers.

Is third-party intervention possible? In this case, third-party intervention enabled the Committee to reach

agreement.

Is ratification required? Ratification is the approval by one or more person, parties, or constituents in authority over the negotiator. All the negotiators to some degree were required to seek ratification, although the conservationists were more free of such constraints than any of the other members.

Raiffa (1982) describes these types of negotiators as cooperative antagonists.

Such disputants recognize that they have differences of interests; they would like to find a compromise but they fully expect that all parties will be primarily worried about their own interests. They do not have malevolent intentions, but neither are they altruistically inclined. They are slightly distrustful of one another; each expects the others to try to make a good case for their own side and to indulge in strategic posturing. They are not confident that the others will be truthful but they would like to be truthful themselves, within bounds. They expect that power will be used gracefully, that all parties will abide by the law, and that all joint agreements will be honored.

**Were all parties represented that should have been?**

A concern in a many-party negotiation is whether or not all parties with a stake in the issue are represented (Bingham 1986). In some situations, it may be difficult to determine who the parties are (Raiffa 1982). Parties may enter a dispute at different stages according to their interest in the issue. In natural resource disputes, there are often loosely formed conservation groups who may be concerned about a certain issue but are not organized enough to be known to

persons organizing a negotiation effort. In some instances, there may be so many parties that it is difficult to identify them all and ensure effective representation (Bingham 1986). The wolf reintroduction issue is one that has many interested parties, so the question of whether or not all parties were represented does arise.

All responses to that query were basically in agreement. The feeling was that all the major parties were represented. To have involved more people would have been cumbersome and unworkable. The public meetings and mail-in comments provided an opportunity for anyone not involved in the negotiations to be heard if they so desired.

#### **Were the hunters represented adequately?**

Even though respondents agreed that all major parties were represented, concern had been expressed by some members of both committees that the hunters were not adequately represented, since George Bennett more accurately represented livestock interests. One technical committee member suggested that the State directors took over the responsibility of looking out for the hunters' concerns. Galen Buterbaugh concurred.

Well, the States were certainly looking out for the hunting interests. The States did an excellent job on that also. [The hunters' position was covered] very adequately (Buterbaugh).

Pat Tucker suggested that some hunters had representation while others did not. Renee Askins agreed.

A segment of hunters had good representation on the Committee because the National Wildlife Federation does representative a lot of hunters. I think the hunters that are very concerned about predation on big game and stuff didn't have good representation on that Committee because George Bennett was primarily representing the livestock industry (Tucker).

A lot of hunting constituencies, I think, felt really angry about the choice of [Bennett] as their representative because they weren't sure that their concerns would be portrayed or incorporated into the process. In some cases, I don't [think those concerns were incorporated]. I think again [Bennett] mainly took what appeared to me to be more livestock concerns. I don't think the kinds of hunting concerns that I've heard raised over and over I . . . necessarily hear[d] raised from him (Askins).

#### **What was the quality of the leadership?**

Susskind and Cruikshank (1987) describe two basic types of negotiations, assisted and unassisted. Assisted negotiation means that someone is involved as a third party in managing the negotiation process. In an unassisted negotiation, there is no such intermediary and leadership must necessarily come from within the group of negotiators. If there is no structure of any kind imposed either externally or internally, a many-party negotiation such as this may become chaotic (Raiffa 1982).

Since this negotiation was unassisted, leadership responsibilities for the Wolf Management Committee fell to Galen Buterbaugh, who was appointed Chair by the Secretary of Interior at the time of the formation of the Committee. Opinions vary regarding Buterbaugh's leadership ability. Some informants suggested that he did not handle the role of Chair



very effectively while others thought he did the best he could under the circumstances.

I didn't have the sense that Galen Buterbaugh was a very effective . . . leader (Anon.).

We needed [Galen's] position as the Fish and Wildlife Service to be more assertive about Fish and Wildlife Service concerns. And because he was running the meeting, he felt obliged to be objective as the Chairman. Therefore, one major presence, the Fish and Wildlife Service and their opinions on this issue were not clearly represented. But as it was, having someone [chairing the meetings] from a major agency whose position on the issue was really important, it sort of like negated that whole position aside from Galen's final vote. But he just was really reluctant to enter into the fray of discussion and argument because he was chairing the meeting (Anon.).

Well, the discussions and the actions of the Management Committee Chairman . . . particularly when -- You know, he was going to get something out, whatever his boss wanted . . . When one of the committee members is dictating bottom lines to the Director of the Fish and Wildlife Service, and the Director of the Fish and Wildlife Service tells the Chairman, who he supervises, what the alternative will be, it sort of derails the Committee process (Anon.).

I thought that Galen Buterbaugh of the Fish and Wildlife Service did about as skillful job as [he] could to try to come to some resolution (Anon.).

Buterbaugh himself said:

[Major disagreements] made it very difficult to . . . get any agreement on anything at all . . . to . . . function as chairman because there was major disagreement on almost every issue. It was the toughest [committee] I've ever been on.

### **Would a mediator have helped?**

The desirability of having all negotiators participating fully in the negotiations process proves the need for an impartial third party to act as an intermediary in some

negotiations. Despite the feelings of several informants that Buterbaugh's leadership was not as effective as it could have been, few people felt that a mediator would have been helpful.

Fischer thought a mediator would have helped immensely, especially for the conservationists' positions. He felt that Petera and Conley were more reasonable than Cool and could have been swayed by a good argument from other Committee members, if not for Cool's pressure. A mediator would have been able to help separate the emotions from the issues, help with the education process, and keep parties in line with the interests that they stated at the beginning. Fischer was the only one who was certain that mediation would have been helpful.

I think maybe a mediator would have helped in that maybe they would have gotten to some of the issues quicker. It might have all fallen apart quicker. The vote may have come quicker, but . . . (Tucker).

Well, it would have had to be an awfully good mediator because you're dealing with folks . . . that are . . . used to doing a lot of mediation themselves and I think that anything but a very high-quality mediator would have been a waste of time. It might have been the right individual that . . . could have helped occasionally on . . . working out language . . . whereas the Committee tended to rely on the technical committee to work out language and . . . sometimes that worked pretty good and sometimes it didn't (Conley).

Potentially [a mediator would have helped]. It would have had to be a very good mediator, but yeah. Because [Galen] was running the meeting, he felt obliged to be objective as the Chairman . . . I felt like they should have brought in an outside chairman, have the 10 people all represent their constituencies and arrived at something (Askins).

No, I really don't [think a mediator would have helped]. I think that Committee was homogenous enough to

come [up] with their own proposals and I felt that it was well done, I really did (Petera).

No, I don't think [a mediator would have helped the process]. The experience that I've had with mediators, most of 'em come to a subject with some kind of background and no experience and really mediating . . . most of 'em have been just absolute flops. We've had some of the best . . . and they always learn something from the experience, but they don't help the process. When you get people so and polarized like they are in this state, I mean, mediation, I mean people would rather die than mediate. I mean, look at the wilderness issue. Look at the wolf issue in this state. I mean, there's a number of things you can, no amount of money that you pay a mediator. We hired 'em. We hired 'em to work on the Flathead and they absolutely threw up their arms in frustration. You know, one party would boycott the meeting after they both agreed to certain ground rules and what you have is, in my view, you have some very well educated people that are still trying to figure out what this mediation thing is all about. They draw big consulting salaries and they walk through a process and sometimes the results aren't satisfactory at all. So that's just my gut feeling. I do not think a mediator would have helped. See, I tried to fulfill that role. There at the end when we had that 9-1 solution, that I said, "Let's just everybody try to-- ", I said, "My objective is to have everybody support what goes forward from here. Now, let's get the wording that everybody is comfortable with," and we just took it, boy, step by step, the whole crowd, the whole audience was watching, the media was there, and I was up there and I'd give 'em a section. We started through. Okay, tell me what you object to. Give me some words that'll make this acceptable. Is everybody else okay? Everybody else okay. We did that. We went through and took care of all of ol' Jim's-- Okay, now let's vote on this, and he changed his mind. I'm not high on [mediators] (Mumma).

Nope. [I don't think that a mediator or facilitator would have helped the process]. A mediator or facilitator can only do one thing which is try to bring an agreement among the parties involved and I thought that Galen Buterbaugh of the Fish and Wildlife Service did about as skillful job as they could to try to come to some resolution and when it was obvious that there were people there with such divided . . . agendas, it wouldn't have made any difference. A facilitator couldn't have accomplished any more. And I say that because I've been part of facilitated processes many times (Mintzmyer).

That's a tough one. I'm not real sure. You mean a mediator helping in the Committee? No, I don't really believe it would have . . . I think that might . . . have been a positive force if we had much more time but given a time frame that we had, we just didn't have time to sit down and go through some of the niceties . . . of mediation and a facilitator. Now there may be other members of the Committee that feel different. 'Course I was Chairman so maybe I'm biased on that whole thing but just the way that process worked, I've been involved in some committees where we have had facilitators and not so much mediators . . . and sometimes it works and sometimes it doesn't and I'm not sure these folks-- This was fairly serious business and I'm not sure they would've even entertained that idea. In fact, I think we did discuss it at some point about whether we wanted to go that way and as I recall, it was very quickly put down as being no, we don't have that kind of time . . . Nobody could agree on one that would probably be unbiased, that they would all agree would be somebody that yes, this individual could do the job, and we all trust him and accept him to be completely unbiased. I'm not sure there is such a person out there (Buterbaugh).

Despite members' feelings that mediation would not have been helpful, the potential for benefits from mediation did exist. As Askins suggested, Buterbaugh would have been able to participate more fully. As Fischer suggested, a mediator could have helped parties remain focused on the issues instead of positions. A mediator might have been able to develop linkages, a concept that was probably unfamiliar to Committee members. A mediator might have been able to satisfy all concerns and still kept the plan within the ESA. There were certainly potential mutual benefits to experimental nonessential reintroduction under the existing provisions of the ESA. A mediator might have convinced the anti-wolf factions that management under reintroduction was more favorable to their desires than management of naturally

recolonizing wolves. Conservationists and Federal representatives would have accomplished their goal of getting to the next step in the process of implementing the recovery plan. Any movement closer to recovery would have been movement toward the time that State directors could assume full management authority. Lastly, a mediator would have enabled the Committee to deal more succinctly with emotions.

### **Was the time deadline a factor?**

The existence of a deadline may have different effects on a negotiation. One effect is that a short time frame may make it impossible to arrive at consensus (Susskind and Cruikshank 1987). A party that negotiates in haste may miss out on an agreement that is more favorable (Raiffa 1982). As Buterbaugh mentioned above, with more time, mediation might have been helpful. Most Committee members considered the short time frame a factor in the negotiations.

We had a very specific, a very difficult if not impossible task to accomplish in an extremely short time frame (Mumma).

I felt [the deadline] was unrealistic. I think that if we'd had another month even, although that's just hindsight and speculation, that we might have been able to refine and reach an agreement. We were very, very close on the entire Committee to an agreement. (Petera).

Well, [the time deadline] certainly was a factor, no question about that. It forced us to move very rapidly . . . On the other hand, I'm not sure that having more time would have changed the outcome. It probably would have just further inflamed people even more and so it was probably good that we did not have anymore time than we did. By just looking at it now in retrospect, I'd say I think . . . we had all the time we probably

could have used . . . Positively it would just have gone downhill. It was starting to already in terms of polarization of various interest groups and things that were being said (Buterbaugh).

I think that [the time deadline] helped drive the system . . . We had the expectation Congress wanted a report by a certain time and . . . people . . . sort of wanted to . . . put off reaching an agreement and other factions kept saying, we've gotta have it. I gotta deliver it . . . So, it was definitely a factor. Without the time element, I think that . . . probably the discussion would have gone forever on some of the points. It was very beneficial because you had [to come to some decisions on some of those points] . . . by a certain time period . . . and so when you went over [to the meetings], you were saying, look, this is-- We only got so much time left. We're wasting our time on this. Let's get on to something that's important. Let's quit doing whatever we're [doing] here and let's get on to some kind of agreement (Conley).

I think [the time deadline] very definitely affected the way we went about our work, yes . . . Whether we could have come out with a unanimous report with more time is really very speculative to say at this time. But the process that we sort of went through . . . I think was to start with a lot of specific issues and try to deal with them and then build toward the bigger, broader issue and that process took out a lot of time . . . [and left only one meeting to draft the plan] . . . I just think that, you know, we might have come back more entrenched than ever in our ideas. Some people might have changed their minds. I just don't know. It's kind of hard to analyze that (Magagna).

Fischer stated that at times deadlines are good because they force the issue to be finished. However, in this case, he felt that it forced a hasty decision. Cool commented that the group was irritated due to unrealistic short time frame. Only Mintzmyer felt that the time deadline did not affect the process. "[I]f you'd given us . . . fifteen days or fifteen months or fifteen years, it would have-- Human beings being what they are, they work within the time constraints and the

basic decisions have to be almost the same."

The deadline was a serious impediment to finishing the work on the management matrix of the final proposal.

Towards the end and I'm not sure any of us knew . . . frankly exactly where we stood on everything we voted on and, uh, afterwards, I think there was some folks that wish we'd have had more time and there was a better way to do it but we had a deadline and we had very little choice (Buterbaugh).

They went through that thing in probably . . . the last hour when people were trying to get planes, thinking of planes to be caught. These were biological issues. Uh, there was no discussion with any of the technical people on the Committee about [the management matrix] (Tucker).

With the imposition of a short time frame, Congress failed to consider several factors that would have benefitted from a longer time frame. The controversial nature of wolf reintroduction meant that there were many differences that needed to be worked out. Several Committee members needed to be given additional educational information on wolf ecology and management. Perhaps Congress believed that the knowledge would already be in place for nominees to the Committee because of their previous experience with the wolf recovery issue. That was not the case.

A short deadline, although desirable, was not necessary to bring about final resolution of the issue, because the issue had already been dragging on for many years. One or two more months would have allowed the education process to take place and still allotted sufficient time to work out the differences and possibly arrive at true consensus.

Furthermore, all Committee members were employed fulltime and could not devote large chunks of time to attending meetings.

If the Committee would have had a little more time, the negotiations would have been allowed to move through the three negotiation stages that Wall (1985) describes. The first stage is that of establishing the negotiation range. During this stage, the bargainers identify the issues or problems and then establish the range within which they will negotiate. It is characterized by parties' tough verbiage and long speeches. The speeches contain threats, emphasize lack of agreement among negotiators, and stress that a deadlock is inevitable. Conflict is emphasized and parties stress their loyalty to their groups' positions.

Stage Two consists of forays into the bargaining range. Parties begin to retreat from initially stated positions and scrutinize other parties for signs of concessions. They put forth trial concessions that can be withdrawn quickly. The parties avoid commitments but work to solve any problems inhibiting future agreement. At the same time, they attempt to reduce the range in which they are negotiating, all the while continuing to emphasize that disagreement still exists. Behavior is more congenial and less threatening. Parties provide more information to each other about their true priorities. The atmosphere is more relaxed now that the parties have established the limits on their discussion and proved themselves as tough opponents and representatives.



Several potential agreements are being considered.

In the third stage, the parties attempt to come to an agreement. Relationships become more tense again but at the same time cohesive. Parties "probe for resistance points and attempt to settle. They realistically examine their own flexible and rigid segments while consulting with their respective constituencies." As the negotiators close in on an agreement, they become "somewhat united against all others and resistant to their constituents and other third parties who might exert pressures upon them." Wall (1985) points out that it is easy to confuse the first and third stages because of the tension among parties.

It is difficult to define three separate stages for the Wolf Management Committee negotiations without having had the opportunity to witness the meetings. Elements of each stage were present during the negotiations. A clear sorting of the stages was probably hampered by the time deadline. The need to have an education component delayed the commencement of the actual negotiations, thus delaying movement through the first stage and into the others.

It appears, though, that the Wolf Management Committee negotiations never got beyond the first stage. At the beginning of the process, members were working hard to get along. That characterizes not the first stage but rather the second. The characteristics of the first stage did not occur until the final meetings. Buterbaugh suggested that the

parties were becoming polarized by the end of the process, supporting the idea that the negotiations didn't move out of Stage One. Conflict was emphasized when certain members were unable to move from their initial positions, either revealed or unrevealed. The practice of positional bargaining by one member with no retreat also kept the process at Stage One.

The consideration of several alternatives is a component of Stage Two. However, two key elements of the third stage were never present during the negotiations. Members were at no time resistant to outside influence nor were they united against all others. Final analysis suggests that the time deadline, in combination with certain members' participation in the process only to make sure that wolf recovery did not take any steps forward, prohibited the process from moving through the negotiation stages.

## EXTERNAL INFLUENCES

All negotiations are subject to external influences to some degree (Raiffa 1982). In particular, negotiations that occur in a political setting are subject to an extreme amount of pressure from a variety of sources, including politicians, constituents, and the general public.

There was enormous pressure on all the members of the Committee from their constituency groups and of course the Federal agencies are getting pressure from everybody and the States to some extent. There was just a tremendous amount of-- Well, it was very controversial . . . All of the meetings were very intense. There were a lot of onlookers. There was a lot of press following and it was just . . . [a] very intense process with a lot of folks giving advice to all the members of the Committee (Buterbaugh).

### Political Pressure

Not surprisingly, the political pressures that occurred during the years leading up to the formation of the Committee continued throughout the Committee's negotiations. All Committee members except the conservationists experienced political pressure. This pressure was reported by most respondents.

Political pressure applied by the Congressional delegations resulted in a pro-agriculture person being appointed to replace [Somerville] rather than someone who was truly a representative of the hunting community. [So that left 5 sort of pro people and 5 people] as being either absolutely in the anti-wolf camp or somewhat there . . . largely because of local political pressure (Neal).

We had to contend with . . . significant political pressure throughout the process. If you look into the history of the legislation [appointing the Committee], you gotta go back before the actual appropriations language. You gotta look at the players on the

Appropriations Committee. Senator James McClure, ranking minority member on the Senate Appropriations Committee of Idaho, since retired. But he had tried unsuccessfully to introduce a bill and get it passed that would have declassified the wolf's status. That was probably in both '90 and early '91. Senator McClure could see that wolves had the ability to move great distances and could theorize that under certain circumstances, favorable conditions, why, wolves could come back and inhabit a large part of the West, just by their ability to produce offspring at a fairly rapid rate and to move considerable distances. My conversations with him, you know, I think his bill was an attempt to deal with that in advance of the problems and that was why the appropriations language was the process that he used to do that since he couldn't pass a bill through . . . But when that was done . . . Senator McClure as a Republican, was a very powerful member of that committee, and when he did that, why, he infuriated the other Western Republican members of Congress by getting that language in there. Now, ironically in the three states, Wyoming, Montana, and Idaho, Wyoming has three elected national officials, 2 Senators and a Congressman. Montana has 2 of each and Idaho had 2 of each. So that collectively is eleven votes. Ten of eleven members of those three states, both parties voted for the . . . appropriations act that had that language. And yet the minute the ink was dry, some of the members set about to slow or stop or impede the process of getting that task accomplished. . . They were asking members of Congress to put a lot of pressure on things and . . . what became almost obnoxious at times was when we'd have the full Committee meeting with the technical committee, everytime we'd have a short break, on the hour or something, they would run right out and call the offices of the [Congressional] members, and they'd run back in, and run back out and call, and sometimes that'd occur three times a day (Mumma).

I witnessed some politicking on the part of the . . . anti-wolf factions that I guess is to be expected but I thought it was unwarranted. I witnessed where those individuals went directly from our meetings during different times, deliberations, and picked up the phone and called the Wyoming delegation in Congress and discussed things directly with them with the expectation that they would exert pressure down through channels on the rest of the Committee (Mintzmyer).

One informant related that he knew there were telephone calls from Congressmen because he saw the messages when the

secretary brought them in. The suggestion was made by another informant that:

When and if you interview Jim Magagna and Carolyn Paseneaux you might ask 'em 'bout how frequently they contacted Senator Wallop's office and kept him up to date on what was happening. Senator Wallop of Wyoming . . . And George Bennett and his conversation with Larry Craig and Steve Symms. It was happening very frequently (Anon.).

It was real clear to me that Magagna was being lobbied heavily continually [throughout] the hearing. I think the people leaning on Magagna were people like Malcolm Wallop, calling Magagna up and saying what's going on . . . calling him during a Committee meeting and, what's going on and how are you doing? and, so he was under . . . intense pressure from . . . Wallop particularly. The thing is that with this happening out in the West and with the intense interest of the western . . . Congressional delegations, I think [the Congressmen] were . . . putting a lot of pressure on these guys to come up with something that they knew the western landowners . . . would take . . . because . . . they were all under pressure to do something . . . This all . . . becomes very political and . . . these guys sort of had to go for what they saw as their core constituencies and for Al Simpson and Malcolm Wallop . . . that's ranchers. And . . . so . . . at the end they were able to add a lot of stuff to Mumma's compromise (Anon.).

The Management Committee was so politically . . . influenced that it was harder for them [than for the technical committee] to make distinct decisions . . . It was an exhausting process with a tremendous amount of pressure and I also think people were exhausted by the political elements of it. Nothing was as it seemed and there was just so much manipulation behind the scenes that I, maybe more than others because I suspect that I travel those spheres less, was really shocked by it and somewhat disappointed by the . . . level of manipulation. But I also think that like Magagna's relationship . . . with Wallop, and Wallop-- For instance at one of the early meetings, Doug Crowe [special assistant to the Director Turner, and formerly Assistant Director of Wyoming Game and Fish] so-- interesting history-- who was very instrumental in . . . structuring this whole thing and conceiving the idea-- And Doug came out for one of the meetings . . . and immediately Turner's office got a call from Wallop, screaming that Crowe was out lobbying

or trying to influence the process. I mean, it was just like, you know, immediately. And so you just had this feeling, I mean, constantly, particularly Magagna was utilizing Congressional pressure . . . his relationship to Simpson and Wallop to lean on the Feds to do what he wanted them to . . . I think people were frustrated by that (Anon.).

When Doug Crowe, who was Turner's assistant, came out and attended one of the sessions, and then of course the evening sessions as well . . . Jim [Magagna] called the Wyoming delegation and within hours, Doug was out of the meeting and on his way back to Washington. Because they didn't want that sort of lobbying and discussions going on. We had the meetings at the Fish and Wildlife Service office [in Denver]. You know, we had the regular sessions and then there were the evening sessions and there were not enough potted palms in the Compro Hotel. [The evening sessions] were the informal, the dinner and the drinks and the discussions and the strategy, stuff like that so there weren't enough potted palms for each group to get around, or get behind. The analogy being in the old-time movies, when someone was plotting in the old Casablanca-type movies they always went behind the potted palm in the restaurant [and acted like nobody could see them] (Anon.).

What other informants viewed as political pressure on Magagna, he viewed as help. Perhaps Magagna did not perceive it as pressure because both he and his political constituents had the same end goal in mind. As suggested above, he may have utilized his relationship to Simpson and Wallop to put pressure on the Federal representatives to get the result he desired.

I really couldn't speak to that for anyone else. I know I can certainly speak for myself and . . . I was perhaps in a position to have been as much or more influenced than anyone else or given advice, simply because I was from that area and have a Congressional delegation that have all been generally strongly opposed to wolf reintroduction. They were helpful to me whenever I asked for help. I can very honestly say that not a one of them tried to influenced any of my deliberations or my final position. And at no point did I go to them and say, "Should I be here or should I be there?" I felt we

had . . . an understanding and a good working relationship, not only on that but on other issues and I felt I had their support. That's doesn't necessarily mean that . . . my position was always where they would have been or where they even wanted me to be . . . I really can't offhand [say what help I asked for] and I'm not sure that . . . there was that much help. I may have asked them to, their staffs to get a document for me or something . . . I probably communicated with them more than anything else on the public input process. Because I know that's important to them as Congressmen. If I had doubts as to whether the process we were using of public meetings was adequate to get input, . . . I would go to them and ask for their input on it.

Cool stated that "there were outside influences but they were realistic and expected." Fischer observed that the Idaho congressional delegation also exerted much influence on Bennett and that the State directors were under heavy political pressure.

Most fish and wildlife directors of state agencies are appointed by their governors so it's a little hard to say that you wouldn't come under political pressure. Your job kind of depends on it (Anon.).

### **Other External Influences**

Other outside influences, primarily agriculture interests, affected the process. At the Cheyenne public hearing, the Wyoming Farm Bureau organized a demonstration against wolf reintroduction that took place before the meeting convened. The meeting was then boycotted by the agricultural interests (Peters, pers. comm.). Consequently, it was poorly attended.

Dan Neal was asked to describe the controversy over wolf recovery in Wyoming, which helps explain the intense

agricultural interest in the negotiation process.

I think that there tends to be among the younger ranchers some pretty fair political awareness of what's going on out in the world and I think that at some of the public meetings I saw, covering the Wolf Management Committee, there are still a lot of crusty old ranchers that are, say, 60 years old and older who are digging their heels in and just saying no to wolves. In fact, that general approach is the basic position of the [ranching] industry, but there is a slightly more progressive element in the ranching community, and largely younger people I would say, who can see the train coming and say, let's figure out a way we can accommodate this rather than being run over by it, and so, they're trying to work a little bit more but, you know, they're land owners and their power base is real solid because it's based on private ownership of land which is a principle that people hold a great deal of respect for, especially in this region . . . So, you know, they're seeing their lifestyles challenged by a lot of economic factors around the world and I think that wolf reintroduction has become a symbol of that, even though it's not particularly clear to me that wolves will have a significant impact on ranchers, but when you see the power of the symbolism here-- . . . I think that [the Wyoming Congressional] delegation is very tied into the ranching community. I mean, they're largely Republican, and . . . the ranchers in the West, from what I can see, grow up learning that they've . . . got to . . . understand politics to . . . stay where they are, so they're very effective lobbyists (Neal).

As a result of what could be termed fear of change, the ranching industry heavily lobbied certain Committee members to produce an outcome that they favored.

When Carolyn couldn't attend and Larry Bourret took her place, the technical group was probably at the point of developing the management plan that . . . probably was generally agreeable to most. Well, he was the one that insisted on insertion of the ability to kill wolves that are not only killing livestock but harassing livestock. And that was one of the fatal flaws . . . of the final plan (Anon.).

[Magagna] was under intense pressure from . . . his own special interests . . . Absolutely the most interesting thing was . . . the role of Larry Bourret, who's the Director of the Wyoming Farm Bureau. He



attended all those meetings in Denver. I don't think he got to Boise or Helena. He was at all the other meetings and . . . by the end of the day that . . . they actually came up with the plan, Larry Bourret, who had not only been-- Well, at the technical meeting, Larry Bourret had been suggesting things that ought to be in the report. He's not on the list of who is on the technical committee, but he was offering suggestions for including things in the . . . grid that they came up with, how you would handle a wolf population, how you manage it. The classic one is the business about saying that a stockgrower ought to be able to shoot a wolf that he or she thought was harassing animals. That was a Larry Bourret proposal and it got right in. The thing that was more interesting than that for me was that by the next day when the Committee was meeting, or the next time the Committee met, it may have been that the technical committee met a couple of days ahead of them. Anyway . . . Larry Bourret was sitting up at the stand, with the Committee. What I'm saying is that, you know, he was up sitting up at the dias with the Wolf Management Committee. He was sitting up there next to Petera . . . That was pretty amazing to me (Anon.).

I think what was difficult on the Committee to some extent was that the agricultural interest in the three states involved was . . . so intensely directed toward . . . the directors on the Committee. And, to some extent, I think it made it difficult to make the decisions that we might have made if the problem were turned over to us and someone were to say, well, now, you work out the solution. Ignore everybody and come up with your best solution that balances everything in the state. Instead . . . I think . . . particularly in the case of Wyoming where you've got a rather large livestock interest, maybe even more so percentage-wise than Idaho or Montana. Uh, I think that there's a lot of pressure brought to bear on Pete Petera in Wyoming and I think . . . to some extent on all the State directors by the different ag groups. An almost-paranoia about what might or might not . . . take place ultimately. Who might control what? What impact wolves might have? You know, what people back home wanted . . . The paranoia . . . was not so much with Jim or George as it was with the ag groups that . . . attended the various public meetings and even the meetings in which we were actually doing some negotiating and talking about how to work out different problems. Farm Bureau [in all three states] was probably the worst . . . Very, very paranoid. No wolves. Any wolves-- You know, only good one's a dead one. You know, really very strongly in that area, organizing press conferences, news releases, attendance at the public meetings, and then the

cattle association, particularly in Montana, maybe [Idaho] were next in line, paranoia-wise. And then certainly there were a lot of spinoff. There were sportsmen's groups that were very paranoid at the same time, so there was a lot of . . . role-playing in terms of beliefs that people didn't come in with a clear clean mind trying to resolve the problem (Anon.).

I think that the livestock industry continued to try, just through sheer presence in numbers at these meetings, try to intimidate, and that's what I meant by lobbying. Like they'd go out to lunch and a member of the State, like say, Pete Petera, who has a lot of stake in terms of his relationship with the livestock industry, and he would be surrounded by maybe 10 people, including the guy from [Animal Damage Control], Larry Bourret, Carolyn Paseneaux, you know, the hunting guy, Bennett and his person would always hang out with the livestock person. I mean, it was interesting just to see the bodies and how they sort of kept together. But, you know, Larry started attending as did, umm, they brought in a public interest law firm guy at some of the final meetings in Denver that, who worked with Watts' law firm and he attended. I mean, they got all their ADC people . . . so they were definitely trying to influence things by numbers (Anon.).

Other constituents were concerned about the process but apparently in a less intense manner.

This wasn't just with the stockgrowers or anybody else. I mean, when you had people representing other people they would . . . check back . . . I know Defenders of Wildlife and the Wildlife Federation would check back with the higher ups. You know, "is this, can we live with this?" . . . A lot of that stuff was going on (Dood).

Gosh, you know, I've heard several reporters say that they had never witnessed a more intense lobbying effort as . . . they had with the members of the Wolf Management Committee and the different special interests . . . Of all people, I think that the conservationists were lobbied the least because their positions were somewhat evident, whereas the States . . . were very, very vulnerable . . . to manipulation . . . so I didn't really see the conservationists being pushed. Umm, it just seemed like their positions were very clearly stated (Askins).

It's an important issue to conservationists but . . . there's really . . . a lot of sort of these critical issues [we're] trying to hold the line at, and this is a totally different sort of issue in that we're trying to get something back. . . . We're not just holding the line here . . . . It's like, well, what's more important . . . . to stop this timber sale that might exterminate this population of "this," or is it more important to go to this meeting to get wolves back to Yellowstone. Wolves haven't been there for 50 years, we can probably go another 20 years without that, so it's not going to hurt anything, but we don't want to lose "this," you know (Tucker).

One other external factor that added pressure of a different sort was the attention from the media. As a public process, the meetings of the Wolf Management Committee quite naturally attracted a lot of media attention (Mumma, pers. comm.).

### **Public Hearings**

Pressure was also evident at the public hearings. As part of its process, the Committee decided to hold public listening meetings in the State capitals of each of the three affected states. At those meetings, the public participants were broken down into ten small groups for discussion so that each person who wished to speak would have a chance to be heard (Fischer, pers. comm.). Each group met with one committee member.

The public meetings did not reflect public opinion polls which show that a majority of those asked (44-75%) favor wolf reintroduction and recovery (McNaught 1987, Noreen 1989, Williams 1990, Wyoming Game and Fish Department 1991). At

most of the meetings, opponents of wolf recovery were far more numerous than proponents. Buterbaugh said that probably 70% of attendees were against wolf recovery. Pat Tucker felt that having large numbers of opponents at the meetings gave the State directors, Magagna and Bennett real confidence to hold firm to their positions and intimidated the Federal agents "a little bit."

Buterbaugh did not agree with the assessment of Tucker above. He commented that Committee members were not surprised at the outcome of any of the public meetings.

We knew before we went into it, most of us at least, that that would likely be the outcome and so I don't think it changed many positions, at least amongst the Federal agencies, the States, and the environmental community . . . I don't know that it really changed . . . the outcome or gave them a stronger . . . position, because we knew that that did not reflect the general population in those three states . . . It just reflected the folks that came to the meetings, but we did hear things from both sides at those meetings that we took into consideration as we put together the plan.

Askins said that everybody was surprised at the ability of the livestock industry to mobilize their constituencies to attend the meetings but that it didn't influence the Committee.

Fischer stated that the public meetings were a problem because no business was conducted. There was considerable pressure from angry citizens and no issues or proposals for them to process. They left dissatisfied and still angry. According to Jerry Conley, the public meetings contained a great deal of emotion. After the second public meeting,

Fischer suggested that the public meetings be used as an educational opportunity, to provide a relatively uninformed public with some good, accurate information. The Committee could not agree on what information should be presented, so the Chair determined that the Committee would not change procedures.

Dan Neal described the tenor of the opposition at the public hearings. At the Helena meeting in March there was sign in the lobby of the hotel where the meeting was held. That sign had a portrait of Saddam Hussein and a wolf side by side, implying that the wolf was the Saddam Hussein of nature.

Despite the feeling of most members that the Committee was not influenced by the pressure from groups opposed to wolf reintroduction, the tremendous pressure that the Committee experienced, undoubtedly affected the mindsets of members as they put together their recommendation for Congress.

### INCENTIVES TO NEGOTIATE

In order to be willing to come to the negotiation table, a party must have an incentive to negotiate. A party reaches a decision to negotiate by examining its Best Alternative To a Negotiated Agreement (BATNA) (Fischer and Ury 1981), i.e., the best agreement that can be reached without negotiation. If a party believes its BATNA is better than a potential negotiated agreement, it has no incentive to negotiate (Bingham 1986, Susskind and Cruikshank 1987). Certain Committee members had no incentive to negotiate, because their BATNA (maintaining the status quo of no wolves) was better than what could be negotiated.

On the part of Magagna and Bennett . . . and this was maybe most acute in the case of Bennett but not much left though in the case of Magagna, I think the mindset was . . . to give no ground (Bean).

While those members had no incentive to negotiate an agreement that would change the current status of wolves in YNP and Central Idaho, they did have an incentive to come to the table (to protect their BATNA). Because they had no incentive to negotiate, they were unwilling to make concessions. If they had been willing to make concessions, they might have ended up with an agreement that would have allowed wolf reintroduction to proceed. The agreement that was ultimately reached, while on paper allows reintroduction to proceed, cannot be implemented and, therefore, still meets those members' goal of protecting their BATNA.

## Concessions

A concession is giving up one thing in order to gain another. In a negotiation setting, concessions are usually made in order to gain concessions from the other side. Concessions communicate intention and aspiration to the other side. They may alter the opponent's own intentions and aspirations. "Concessions are a method of gaining advantage as much as they are means of giving something to the opponent" (Bacharach and Lawler 1981). Concessions typically are made in the belief that they will hasten agreement (Pruitt 1981).

Susskind and Cruikshank (1987) describe this type of negotiation as a distributional dispute in that it focuses on allocation of resources or setting of standards. Typically, in such a negotiation the parties have "goods" that they are able to trade when making concessions. In the Wolf Management Committee negotiations, the only parties with goods to trade were those actually involved in management. Those representing the private sector had no goods to trade. Nonetheless, they could compromise on their interests and affect the outcome.

Concessions were made at two key points during the negotiation. The conservation representatives made concessions which allowed Mumma's proposal to progress to near-consensus.

Hank and Tom Dougherty both voted for it and the reasoning was not that they agreed with that, but that they agreed that that could go forward as . . . a preferred alternative in an EIS and it was more to

promote the EIS process and both of them felt like that alternative would be, when it was looked at, the experimental population would be shrunk because there were wolves in [northwest Montana and central Idaho] (Tucker).

To the conservationists, they were agreeing to a concept of a compromise, that might explore [Mumma's proposal] and they were basically trying to facilitate . . . keeping movement going (Askins).

Basically, the conservationists agreed to give up their desire to have an agreement that was fully within the bounds of the ESA. This agreement designated Central Idaho as an experimental nonessential recovery area, ignoring the requirement of the Act that such a designation could be applied only to wholly separate geographic populations. Conservationists also conceded on the issue of State management, allowing that inclusion.

In trying to accommodate K. L. Cool's demand, John Mumma had included designation of all of Montana except the Glacier National Park area as experimental nonessential in his proposal. That, too, was outside the realm of the Endangered Species Act. After Mumma's proposal fell through, it became clear to everyone that someone would have to make some major concessions to get any agreement at all. That lot fell to the three Federal representatives. Mumma said that he felt that the three Federal members "were willing to do a lot of things to get the job accomplished that Congress gave us." Several other respondents observed the same thing.

From the point of view of the Federal agencies, uh, if they wanted [6] votes for anything they clearly couldn't get [6] votes by casting their votes with the



environmentalists so long as the [livestock and hunting] industr[ies] and State directors stayed together, so I think, in the 11th hour of that process that Federal agencies decided that they would go along with whatever the State and industry interests wanted . . . for the purpose of getting an agreement that had the necessary [6] votes behind it (Bean).

I think the Feds were much more willing to compromise . . . I think they felt the onus of having to come up with a solution . . . especially since Galen had it on his shoulders that . . . the deadline of the report was a certain time. And so, in many ways, I think they were much more eager to compromise (Askins).

Well, of course, all along, there was on the part of the National Park Service a desire for the report to come up with a recommendation for the reintroduction into Yellowstone, and while . . . the National Park Service's position, of course, would have been under . . . the umbrella of the Endangered Species Act . . . it was during . . . the Committee deliberations that the . . . thought process came forward of doing it as an experimental population, which we did not know that that was a possibility. And so we then said that . . . in the interest of reintroducing into Yellowstone, we would certainly agree to that kind of umbrella (Mintzmyer).

Magagna also commented on the pressure on the Federal representatives to come up with an agreement. He also felt that all parties except the conservationists made concessions in reaching an agreement.

I had a feeling that for the Federal players on there, . . . whether it was a pressure they felt or because they saw this as part of their jobs that there was a much stronger feeling that somehow we had an obligation to all give until we had a consensus on something . . . I don't think they were inflexible so much as they were somewhat determined to get a consensus report or a majority report, I should say, the six-member report at all costs . . . Had everyone signed off on the plan that we came up with, had it been unanimous, then I would say that at least from the two sides of the issue, we probably made . . . somewhat comparable compromises. But when you have the conservation side who didn't sign off on the plan, in one sense you could say in the final analysis they didn't make any compromises, even though as we went through the process they certainly made some.

It's sort of like they made them but then, and I'm not saying their reasons were not valid or anything, but when it came right down to the end, they took them away. When it comes to the Federal members and the State members, if you assume that they . . . supposedly weren't coming from a strictly pro or con reintroduction perspective, then I'm not sure where you judge their compromise. I guess certainly there were some compromises made between the Federal and State people . . . in the plan that we adopted, in terms of the relative level of authority. That plan envisioned the Federal people, once the State submitted a plan for management, the Federal people relegating an awful lot of the authority to the State, so that's compromise. It involved the State people nevertheless recognizing that they had to operate within Federal guidelines, so I guess that's compromise on that particular issue.

A negotiator who makes concessions may bear an extra cost as a result of that negotiation. Outside observers may expect that negotiator to make the same sort of concessions in the future. Thus, the cost of negotiations goes up when dealing with those outside parties (Wall 1985). As a result of the actions of John Turner, the Fish and Wildlife Service may well be expected to make similar concessions in negotiations in the future.

Essentially, then, there were two "losers" from this negotiation -- the Federal agencies and the conservationists. The Federal agencies won by getting any agreement that could be presented to Congress, but lost in getting an agreement that could be implemented. They perhaps also lost in the perceptions of those watching the process. The conservationists lost in their effort to keep the reintroduction plan within the bounds of the ESA and, with the harassment inclusion, adequate protection of wolves.

## Incentive to Appear Effective

Negotiators who represent constituencies desire to appear effective to those constituencies (Axelrod 1984). Occasionally, they will employ certain tactics that enhance the appearance of effectiveness while at the same time recognizing that nothing will be gained by those tactics. In the case of the Wolf Management Committee some members made motions knowing they wouldn't be passed, so that they could appear effective to their constituents. Some informants felt that all Committee members were doing some of that, but that most of the motions came from Jim Magagna.

Some of the motions that were made . . . by, say the livestock industry on some issues, people went through the motions of voting knowing that they weren't gonna get 6 votes . . . but sort of I can go back and tell my group back home . . . I tried to get this done but I didn't. There was a fair amount of that that went on (Anon.)

I think there was no question about it that that took place, and maybe some other folks did that during the process to some extent, too, but more so I think from the livestock industry because Jim Magagna was under intense pressure from folks. He actually . . . took a pretty liberal view, compared to many of the people he was representing and I think he did have to bring some of these issues up just to show that they were considered and that they were voted down . . . So, there were various things . . . but Jim was under a lot of pressure and there were issues that came up. But George Bennett I think was doing the same thing and the States once in a while would do that, too, because of pressure from their constituents (Anon.).

Virtually all of them [made an effort to look effective for their constituents]. I can recall Jim on several occasions. K. Cool did it a couple of times. Hank did it, you know, stating his position and trying to get it into the record, knowing pretty much full well that, that he had already counted noses and the votes weren't there. Tom Dougherty did it more or less to-- All of them to establish it on the record that this was

where they were coming from. . . . The Federal people I don't think went into the Committee with a position or a plan so they weren't working a particular plan and didn't seem to do that. Pete Petera did it a couple of times (Anon.).

I guess my first reaction to that would be to say that [efforts to appear effective] most likely occurred to . . . some unknown degree, with the Federal and State people who have constituencies that they have to be concerned . . . As far as the private sector people, . . . I would hope we were influenced to some degree in the sense of as we analyze things, not just analyzing them from a personal perspective but analyzing them from . . . how they would affect or impact and how they would be viewed by our constituents (Anon.).

No, I never got that impression at all [that any Committee members felt any incentive to appear effective]. I felt that every Committee member was sincere in his deliberations and work and felt strongly about certain issues, of course (Anon.).

In summary, all parties had incentives to come to the table. The Federal and conservation representatives wanted to end the delay in reintroducing wolves to YNP. The State directors had concerns about management. The livestock and hunting representatives were interested in keeping wolves out of YNP. However, they had no incentive to negotiate. They came to the table only to attempt to thwart any reintroduction plan.

In the end, one holdout created a situation where the Federal representatives felt forced to make major concessions to get any agreement. The holdout brought forth a proposal that suited the State and hunting representatives even better than the one they had previously agreed to. The conservationists, who had compromised on the previous alternative had to pull back to their original stance because

of one particularly disagreeable inclusion. Finally, all parties engaged, to some degree, in making motions in order to appear effective to their constituents.

## UNDERLYING CONFLICTS

The unwillingness of some members to negotiate and make concessions stemmed, in part, from several underlying conflicts that affected the process. One conflict was the voting coalition that arose between the State directors and the livestock and hunting interests out of a second conflict, the issue of States' rights in management of endangered species. These two conflicts were driven by two Committee members, who focused on their own positions. Other underlying conflicts were the inconsistency of some members in negotiating from their initially stated interests, an unwillingness to suspend certain beliefs and the involuntary nature of the negotiation.

### Negotiators' Consistency

According to one Committee member, the final proposal would have been a better plan if it would have been developed from the interests stated at the first meeting. His feeling was that some members abandoned those initial interests. Therefore, it is useful to compare the concerns listed at the first meeting with those mentioned during the interviews, and then examine the actions taken during the negotiations to see if they are consistent with the issues stated. At the same time, however, it is necessary to recognize that such actions

are part of the posturing that occurs during negotiations (Susskind and Cruikshank 1987).

Hank Fischer and K. L. Cool were consistent throughout in issues stated and actions taken. Jerry Conley's actions were somewhat contradictory to issues stated at the first meeting. He was not asked to list issues during his interview. One issue in particular that he mentioned in the first meeting was that he was in favor of reintroduction without changing the ESA. While the final proposal does not call for an amendment to the ESA, it is outside the parameters of the ESA. Therefore, Conley's support of that proposal demonstrates some inconsistency. Adequate information is not available to assess Pete Petera's issues from the first meeting. His actions were consistent with the concerns he mentioned during his interview.

The Federal representatives were consistent with their stated interests until the final proposal when they all focused primarily on putting together any agreement that would get reintroduction moving forward. At that point they made major concessions.

Jim Magagna was not consistent, either in words or actions. The best way to compare his inconsistency is to look at his words in three instances.

At the first meeting, he listed the following concerns:

1. reintroduction should not create undue burdens, economic or otherwise, being placed on the livestock industry;

2. quality of product was important to protect as well as compensation;
3. adequate wolf control would be preferable to compensation;
4. a maximum degree of predictability;
5. the wolf should be represented for itself, not as a surrogate for other issues; and,
6. this effort should not be a forum for amending the Endangered Species Act; however, exempting or lessening the constraints of the ESA should be examined by the Committee (Minutes, January 23-24).

When asked specifically to list his personal issues during the interview, he replied:

I tried to take the approach that I really had a broader-based constituency [than livestock] and that I represented any businesses, any negative economic impact that could result as a result of a wolf reintroduction and that I needed to be broad-based enough to recognize all of that even though, the very specific concerns and issues I took were relative to livestock, so I certainly was looking . . . at the inadequacy of any economic analysis that had been done at that point in time about potential impact. I was concerned about the species themselves, or the subspecies I should say, whether what was going to be reintroduced or "reintroduced" in fact was a reintroduction. I don't have the technical expertise but I certainly was aware of it and raised the issue as to "Are we doing an introduction or are we really doing a reintroduction of a subspecies that existed before?" Uh, certainly the whole issue of compensation for loss of livestock or property of any sense. I think just the whole economic impact is probably the best way to describe the general approach that I took into the task with me.

One issue above, the subspecies concern, is not mentioned in the minutes of the first meeting. When he was discussing his conversation with John Turner about what he had to have to come to agreement, he said,

They would be such things as that all wolves would be treated the same, irregardless of their source within the given geographical location. Uh, that wolves impacting livestock or whatever the other uses, but primarily livestock, would have, we'd have to have the freedom to deal with them, . . . not subject to



constraints of the Endangered Species Act. Uh, the one I mentioned earlier for me was a bottom line that anything that we came out of there with that involved a reintroduction had to have an upfront sanction by Congress. It couldn't just be an agency process.

None of the issues listed above was mentioned previously. Not only were Magagna's statements of issues inconsistent each time they were mentioned, but his actions were inconsistent with the issues he listed. As near as can be determined, he never once mentioned the above items during the negotiations as inclusions that he had to have in any alternative that would be agreeable to him.

Magagna put forth the notion that several non-Federal Committee members felt they could recommend legislative changes to Congress.

"I think quite a number of us who were not Federal Committee members. . . felt. . . because our charge came actually from Congress itself, that it was within our realm to recommend legislative changes to Congress, if that's where we arrived, that we didn't have to be bound by current law . . . There were others of us [non-Federal members with] certain fundamental principles that we weren't willing to violate to get [an agreement] (Magagna).

If that in fact was true, then those members who stated that they were in favor of reintroduction within the bounds of the ESA were also inconsistent on that point.

### **Voting Coalitions**

At the end of the process, decisions were made by voting.

The primary drawback to voting is that it creates a win-lose situation (Susskind and Cruikshank 1987). Negotiators who have

similar interests may form groups (coalitions) in the belief that they can put together a more satisfactory agreement by working in concert against one or more of the other parties (Raiffa 1982).

A voting coalition was instigated by K. L. Cool between the three State directors and Magagna and Bennett (Fischer, pers. comm.) and driven by Magagna (Askins, pers. comm., Tucker, pers. comm.). An examination of the votes in the minutes reveals a pretty clear division on several votes. The coalition arose out of another conflict, that of States' rights, i.e., the issue of management of wolves and who would be in control. That was also one of the primary reasons for the conflict around the Endangered Species Act because the ESA does not allow states to have full management authority over endangered species until a species is fully recovered.

The split was basically a States' rights split . . . whether the states are going to be in control or whether the Federal government is gonna be in control and if the states were gonna be in control, that required . . . amendments to the Endangered Species Act basically. And . . . the Federal agencies and the conservationists were fundamentally opposed to that, and the states and [Magagna and Bennett]. . . would love that . . . The fundamental reason is because the one side sees the Act as being a very important act and being a real helpful act for endangered species, and is very concerned about endangered species. The other side sees the Act as getting in the way of the way they do business . . . I mean, they would deny this, but, really on the part of them, they're not. Endangered species are not their top concern or priority (Tucker).

I think there was division along the lines of how much State authority there should be. Certainly that's an issue on which the State fish and game players and . . . myself were very much in accord on maximizing the . . . level of State control over the wolves. I think that

was not acceptable to that degree at least to some of the other players (Magagna).

When we got down to the end, [voting coalitions were] the case but during a lot of the discussions and the votes during the process, there wasn't that clear coalition. Many times the States voted with the Feds and, I mean, the environmental community. So it kind of was all over the board. But when it really got down to the important things that's roughly the way it came out (Buterbaugh).

The issue of States' rights developed from a long-standing difference of opinion between the State of Montana and the Federal government, particularly the Fish and Wildlife Service (USFWS), concerning management of endangered species. The other two States didn't have as much history of conflict with Federal agencies but had concerns of their own in terms states' rights.

One of my main concerns was who's going to pay for all this extra work and monitoring that's going to be involved in wolf recovery. There's no way the State of Wyoming, that is the hunters and fishermen, could generate enough money from licensing a season on wolves, for example, to ever pay for the program. We've run into that same program with other species, primarily the grizzly bear. For example, we spend . . . a substantial amount of money on grizzly bear and . . . a lot of it's state hunters' money. In fact, I think as I recall, . . . for the last fiscal year, we expended around \$800,000 on . . . grizzly bears and the Federal program provided around \$38,000. So, money is a big consideration. It's very expensive to manage an endangered species . . . I felt that it was a national issue. It was primarily aimed at Federal lands and . . . while we wanted a say in the management of it, I thought it was wrong for the people of the State of Wyoming to have to pick up all the costs for it (Petera).

One concern for both states was that they had laws that were either contrary to the Endangered Species Act or prohibited money being spent for management of wolves. Wyoming classifies the wolf as a predator and Idaho prohibits

expenditures on wolf recovery except under very specific circumstances.

The conflict between Montana and the USFWS began with a debate over the management of grizzly bears. The State of Montana feels that the grizzly bear is recovered and wants it delisted with the right of management reverting to the State. As a result of Cool bringing that personal agenda to the negotiation process, it became a focal point for conflict.<sup>10</sup>

I think that the main handicap . . . infecting their frame of mind was that it was impossible for them to look at this issue divorced from the . . . larger history of conflict between state and federal governments over who gets to manage wildlife (Bean).

I think it became real clear right away that there was a 5-5 split on this Committee. There were the 3 Federal agencies and then there were the 2 conservation representatives that basically philosophically and fundamentally agreed pretty much and then there was the 3 state agencies and the sportsmen representative, hunter representative . . . and the livestock representative. They basically . . . had a lot of agreement on a lot of things and so it became a real matter . . . of them trying to get one person . . . from one side, and the other side trying to get one person and so there was a lot of lobbying to try [to figure out] who's the person on each side that might be able to be moved to the other side. [The group of State directors and the others voted as a block] every time. Every time. There was nothing that they didn't agree on. I mean, that was real disgusting to me . . . to watch State game agencies vote with a livestock representative and a "hunter" representative . . . It became real apparent that [the State directors] were really concerned about the livestock industry. They didn't want to cross the livestock industry from any point on any of this. They were unwilling to stand up at all to anything that Magagna said . . . The block of 5 consistently voted one way [on the matrix of the final proposal] and then one of the Feds would raise their hands, so they'd get there. And it just went down the line like that (Tucker).

Montana's agenda and to some degree the livestock industry and hunter industry agenda, was definitely--

Montana was so completely-- This end run on the Act-- I mean, they were using this process as another means-- You know, the State of Montana . . . want[s] to change the Endangered Species Act and they are using any endangered species issue to facilitate further discussion and advancement on their agenda and they clearly throughout the whole process, used the Management Committee process to try and achieve their agenda, which was basically assuring more States' rights, control in any endangered species program, and . . . weakening the Act. So, that was a frustration for everyone and they were lobbying the other two States so hard that . . . and the States always feel compulsion to stand united, so [lobbying] was just constant . . . There was no interest in reaching a solution but rather in disrupting the process and continually trying to promote this agenda of their own State's interests and the endangered species process . . . [The divisions] were pretty clear . . . Usually the livestock industry sided with the States, or the States sided with the livestock industry and the Feds voted together and the conservationists voted together. Often times the Feds and the conservationists would . . . be in line but not necessarily (Askins).

At the first meeting when listing issues and concerns, Buterbaugh stated that the Fish and Wildlife Service wanted states to have a major role in management outside the Park. While that does not specifically mean management control, it seems clear that the primary Federal agency with which the State of Montana was in conflict was prepared to negotiate over the issue. However, Cool's positional bargaining did not permit negotiation.

While Cool was viewed as some to be the person responsible for the development of the coalition, others suggested that Magagna was the one responsible, albeit in a very subtle manner.

[The State directors] were unwilling to stand up at all to anything that Magagna said. And Magagna basically ran the show for that side. It became really apparent on the very last morning. I have a of respect for Magagna.

I'm not saying that in a real negative sense. He was good (Tucker).

I really do think that Magagna was the driving force on this Committee and that it was a clear illustration of the power and control that the livestock industry still wields, not only over the Federal policy decision-making but over the States. The States were terrified of the agriculture whiplash . . . I guess in terms of reputation, I do feel that Jim Magagna, who has a tremendous amount of respect and power, wielded, you know-- I mean, from the git go he was an extremely powerful Committee member. But . . . he handled that in a very quiet, unobtrusive way. I mean, rarely did you see it illustrated outwardly (Askins).

Jim Magagna as an attorney of course would be the type of person that a State director, for instance, might seek for advice. He's also, has been and is involved with some of the livestock association . . . Jim Magagna being from Wyoming of course was very familiar with Pete Petera and had known him for a long time and had worked together so there was a pretty good relationship there that had history and also professional working relationships in its basis and a relationship that may not have necessarily carried over to some of the other representatives (Claar).

[Wyoming's] a traditional ranching state and [Jim's] the president of the American Sheep Association and . . . is involved with the ranching community in southwestern Wyoming, so, he has considerable influence among that community and I think those people have . . . fairly major influence on the Wyoming legislature . . . I don't particularly think that Jim Magagna can, you know, call up Pete Petera and make something happen but I'm sure that he can call Pete Petera up and get his attention and I'm sure the same thing happens when he calls up any of the state politicians, that they feel like he represents a fairly major constituency (Neal).

Those persons mentioned as being a part of the coalition agreed that they voted together but downplayed the significance of it.

Not so you'd really notice [that groups kind of voted the same] that much although . . . it was my impression that the States were fairly unanimous in what they would like to have seen done. [There were others that felt pretty much as the States did and voted with

us] to a certain degree, and there was others, of course, that didn't agree with that . . . and voted against it (Petera).

It turned out that the splits that occurred voting-wise on the Committee really didn't have much to do with what state you were from . . . George was sort of . . . with the State directors as it turned out . . . and . . . it really turned out the livestock representative on there . . . also tended to vote with the State directors by and large and the key on the voting pattern that emerged really tended to be, . . . where the Federal officials were willing to go. And, so, we would get into sort of some awfully close votes and the real pivoting point on those votes would be . . . John Mumma, because Galen tended . . . to be pretty solid . . . in his approach, although . . . later on, the real key swing votes . . . tended to be the Fish and Wildlife Service and the Forest Service (Conley).

If you look [at] the final votes that were taken . . . to me, that wasn't just the States but the Federal agencies as well. The vote was 8-2 and the vote went 8-2 when they went through the matrix on the different issues. It went that way on all of the issues . . . I know that was the perspective that Pat Tucker on the technical committee had. One of [ ] was that the States were just like kowtowing to the livestock industry, but I don't think that was the case. And if you're gonna say that, you have to look at the votes and say that everybody did except for Defenders and the Wildlife Federation . . . When the State agency is there representing the people of the State, it's not just representing the hunters . . . Even though they're wildlife directors, they have to be concerned. . . how . . . [wildlife] programs impact private landowners and . . . so there is a concern that the needs of the livestock industry are met [and] at the same time, promoting wildlife . . . Yeah, there's some things there but I know Pat made some remarks to me about it and I don't see it quite the same way that she does (Dood).

I don't know . . . if I'd call 'em voting groups, the terminology, but certainly I think as we got down towards the end that . . . we had some working-- and I can't speak for the other side. There was certainly a working coalition involving the three State agencies, or there was an -- I should at least say an attempt to have on, the 3 State agencies and George Bennett and myself. And what there was on the other side, I'm not sure. If the Federal people and the conservation people were doing the same thing or not. And it doesn't mean we were in

total agreement on everything, but we did feel that if there was going to be a report come out with six votes that . . . hopefully there could be a consensus of the five of us and we could somewhere pull that sixth vote, which . . . we finally did on the final plan (Magagna).

Bennett said that "the driving factor or motivation for positions taken reflected a wide variety of professional and career bias utilizing essentially the data [previously known by the members]. Necessary voting alliances formed to secure individual voting priorities." Cool's response was that "voting was not done by groups. Groups occurred because of aligned philosophies." Fischer felt that the Idaho and Wyoming directors, despite the political pressure, listened and could have been swayed by a good argument, if not for Cool's pressure.

One informant suggested that the coalition also continually raised the ante (made more demands or sought more concessions) everytime a compromise was reached. Raising the ante is a type of defection (lack of cooperation), an action that is typical of a game of Prisoner's Dilemma. Simply stated, in the game of Prisoner's Dilemma, each of two participants has the choice to cooperate or not cooperate (defect) without knowing what the other participant is going to do (Axelrod 1984). No matter what choice the other player makes, defection produces greater individual gain than cooperation. If both defect, however, the gain is smaller than if both cooperate.



Voting coalitions were furthered evidenced during caucusing and by seating arrangements during the final meeting.

Even the way they positioned themselves that last day, Magagna was very . . . I mean, it was very clear that he sat down next to Petera so that he'd be right there next to him, and then . . . Bennett was right next to Magagna and as the votes came down, there was Larry Bourret, who's head of the Wyoming Farm Bureau was there as one of Magagna's advisors and he was actually sitting right next to, on the other side of Bennett, and telling Bennett how to vote (Anon.).

There was a lot of, not only seating arrangements, but back and forth across the room to try to persuade other individuals to their point of view . . . I think there were various obvious efforts on the part of the . . . States, the three of them, in other words, some . . . little huddles among the State representatives and then there were also very obvious efforts on the part of . . . Jim Magagna . . . to influence the State agencies . . . I could not hear what was going on. [But he was animatedly talking to them, and lots of gesturing and that sort of thing] (Anon.).

Yet when we'd have the little breaks, . . . there they'd go, Carolyn and Jim and George, off to their little corners and commiserate (Anon.).

There was caucusing done [during work on Mumma's proposal] . . . at breaks and everything like that and it was just-- (Anon.).

In terms of the final program, I think that both Carolyn and Larry sat close to Magagna and conferred with him constantly. But you know, I think we all did that, I mean in situations we were always trying to discuss things with our representatives or our technical committee, or the Management Committee, the techs were . . . always trying to help them with information or whatever (Anon.).

Perhaps one key problem with this negotiation process was the stipulation by Congress that "consensus" would be six votes. One technical committee member described the struggle of the Committee to get to that point.

The main Committee struggled-- Well, I know they did. You can look at the different votes that were taken and they struggled to get to some point . . . to where there could be a consensus, or you know, Congress said it had to be six members had to agree, and that was a struggle to get to a point where there could be that kind of agreement (Dood).

Consensus is reached not by voting but by building an agreement that is satisfactory to all parties (Susskind and Cruikshank 1987). Two members noted that distinction when using the word "consensus" during a response by placing quotation marks around the word. Had Congress simply specified consensus, it could have affected the process significantly, for then each member of the Committee would have been equal -- anyone could have vetoed the plan (Talbot 1983). The result might then have been no plan at all, but it can be suggested that no plan would have been a better outcome because there would be no "losers" from the negotiation process.

## **A Master Negotiator**

One Committee member, Jim Magagna, was mentioned much more frequently than any other member. Two feelings were commonly associated with remarks about him -- frustration and respect. Committee members were frustrated in trying to understand Magagna's reluctance to accept what the rest of them were willing to accept in an agreement. Several respondents expressed respect touched with awe and amazement at Magagna's ability to use the negotiation process to produce the result that he and his constituents wanted. A closer look at Magagna will aid in understanding how he, more than any other Committee member, was able to negotiate from a position of strength and power, and was able to do so in such a quiet manner that the other Committee members weren't aware of the direction in which the process was headed, until it was too late.

Magagna's power base stems from a long tradition of ranching in the State of Wyoming. As President of the American Sheep Association, Magagna wields considerable power within the livestock industry, both nationally and within Wyoming. That was evidenced by the fact that the Wyoming Woolgrowers Association and the Wyoming Stockgrowers nominated him for a Committee position. His association with national lawmakers has been previously discussed (see pg. 133-135).

Magagna was asked to share how he became interested in and involved with the wolf recovery controversy.

Well, I think the area of Wyoming that I run sheep in, particularly my summer range, is certainly within a zone that I think realistically wolves, if reintroduced into Yellowstone, could expect to, uh, migrate into so I have a strong personal interest in what the impact would be on my own sheep ranch. I've heard the subject [of wolf reintroduction] mentioned certainly for, oh, the past ten years. But, probably within the, oh, last four or five years since some of the work that was done, particular like at the University of Wyoming by Mark Boyce and some of those things that I saw begin to attract my attention to it.

Magagna's mindset and feelings about wolf recovery were fairly obvious to other informants.

Magagna obviously came in ardently opposed to wolf reintroduction and sort of feeling like he had to talk about it because he was on the Committee and basically trying to get the best deal he could for stockpeople (Anon.).

[Magagna was in favor of wolf recovery only] under certain, extremely tight conditions, you know (Anon.).

I would say it's probably true he was agreeable-- He recognizes the Endangered Species Act and he was agreeable with wolf recovery as long as it was done under certain terms and conditions. Mainly those that would tend to protect the interest of farmers and ranchers in particular . . . Especially in allowing what would be considered a more liberalized take from his standpoint of wolves that might be in or around livestock than for instance the private conservation groups would agree with (Anon.)

I think, actually, Magagna was a little more open toward the whole experimental nonessential thing in the beginning than he was in the end. You know, it did get kind of complicated. I think everybody did realize that it was more complicated in designating and keeping wolves separate. And exactly how do you do it and what you would do with wolves outside the line. [He probably thought that you could somehow you could keep a boundary around them and keep them self-contained] . . . It became [clear], especially with an animal like the wolf, it wasn't quite as clean, and . . . he figured, you know, if there was any gray area, there'd be a lawsuit and ranchers would lose and so he was just not willing to have anything where all the i's weren't dotted and t's weren't crossed and it's really tough to do that with any

sort of resource management and wildlife management because they're not static (Anon.).

Several people hinted in other remarks at the notion that Jim Magagna's personal agenda was to ensure that wolf recovery would not move forward as a result of the Wolf Management Committee process. The following question was posed to one informant based on those intimations: "Did you see anything from Jim or George that would support the idea that they were trying to do anything to delay wolf reintroduction; that they recognized, especially Jim recognized, that with this kind of Congressional mandate needed, that it would delay the process even further than if the Committee actually came up with a recommendation that could go forth tomorrow?" His dramatic response was the slice of a finger across the neck, indicating that he wished to go off the record. The crux of his response was that Jim Magagna did indeed come in with a personal agenda, i.e., to come up with a plan that would ensure that wolf reintroduction would not proceed forthwith or in his lifetime.

While it was obvious to several informants from Magagna's actions that he had a personal agenda, Magagna himself didn't reveal any of his true priorities at a time when it would have benefitted the negotiation process. Although most of the Committee members knew of his public stance on wolves and suspected that he was there with that opinion, his actions did not reveal that stance until the vote on Mumma's proposal. He played the game of agreeing to each item that was being

processed and then backed out in the final vote on that proposal.

Something happened right there, you know, after he fully participated in working out what seemed to be very agreeable and supportable wording on this one management plan alternative, uh, that took all the issues and dealt with them and then at the last minute changing his mind . . . My sense is that finally he realized that we'd taken care of all of the concerns and still provided for wolves and I'm not sure how he could go back to his constituents (Mumma).

In essence Magagna played a classic game of Prisoner's Dilemma (see pg. 159) (Axelrod 1984). By defecting when the final vote was taken on Mumma's proposal, Magagna was able to maintain his unrevealed position (which can be said to have been revealed at that time.) Magagna was able to avoid revealing his true concerns because he let others bring up those concerns. Petera repeatedly tried to get Congressional sanction for changes in the Endangered Species Act. Petera and Cool fought the battle over State management. When they went along with Mumma's proposal, Magagna was forced to reveal his hand. While private take had been thoroughly discussed, no one had included an item that dealt adequately with the liberal control that Magagna desired. Thus, he had to defect on the final vote of Mumma's proposal.

By defecting at the end of the process, Magagna assumed a risk that the other parties would choose not to cooperate with him. He knew of the pressure on the Federal representatives to come up with an agreement (see pg. 145). It is possible that he engaged in a waiting game, knowing that

at some point, the Federal representatives would make major concessions to get an agreement. He was probably very willing to take the gamble that their desire to produce a report would yield an offer that fit his agenda. By frustrating the entire Committee so close to the end of their negotiations, he ultimately gained concessions from the Federal agencies that he likely would not have gained at any other point during the negotiation.

Ultimately, Magagna found himself in a position on Mumma's proposal where he had to find a way to save face, after reaching the point where unanimous agreement loomed. "Face-saving reflects a person's need to reconcile his stance in a negotiation with his principles, past words and deeds" (Fischer and Ury 1981). If Magagna had actually followed through and voted for the Mumma proposal, he would have acted inconsistently with his principles, past words and deeds that did not support wolf reintroduction. His action would also have been inconsistent with his constituents' expectations of him. In fact, he made a comment at the April 10-11 meeting that he didn't believe he could sell the experimental population concept to his community.

Magagna's nomination to the Committee by the Wyoming Woolgrowers Association and the Wyoming Stockgrowers in part explains his relationship to his constituents, which is important in understanding his actions during the

negotiations. Magagna explained how he viewed his constituents.

I tried to take the approach that even though I was on there and viewed as representing livestock interests, that I really had a broader-based constituency and that I represented . . . any businesses . . . or in a sense, any negative economic impact that could result as a result of a wolf reintroduction, whether it's the livestock to oil and gas industry to the mining industry, . . . even to tourism in some cases, and that I needed to be broad-based enough to recognize all of that.

When it was suggested to him that conflicts between groups' interests might have occurred, he replied:

Of the groups I really saw myself representing I don't think on this particularly issue [any conflicting concerns arose]. Certainly we have our differences on a lot of different issues, but, I'd be dishonest with myself if I didn't say that I focused very heavily on the concerns of the livestock industry but I don't think that I found those concerns to be in conflict with those of any of the other, certainly the commodity users of resources.

His suggestion that he represented a broad constituency was contradicted somewhat by a later statement that he was on the Committee as an individual.

I was on there as an individual and therefore, I really did not approach, I don't think at anytime, in terms of how this would affect some relationship that I or my organization might have with any of these people or their organizations.

Perhaps Magagna as an individual would have supported the Mumma proposal, which would have been in line with the interests Magagna stated at the first meeting, but in the end, in order to represent his constituents' interests, he was forced to go against the proposal because it provided for wolf



reintroduction and that was not in line with his constituents' desires.

The contradictory nature of the above statements may be indicative of some contradiction within Magagna himself, such that he was not fully clear at all times who he represented - his constituents or himself. "He actually . . . took a pretty liberal view, compared to many of the people he was representing . . ." (Buterbaugh, pers. comm.).

One of the reasons for frequent mention of Magagna in the other respondents' interviews may be the confusion they were experiencing when trying to understand Magagna's actions. Ultimately the inconsistencies within Magagna may have been responsible for the confusion in the perceptions of the other Committee members.

Magagna's relationship to the Federal and conservation representatives was based on lack of trust. He was skeptical about the level of knowledge among Committee members and apparently did not trust the knowledge of some members of either committee. According to other informants, Magagna was at odds with the conservation representatives a good deal of the time. His feelings toward them are revealed by the fact that he did not ascribe to them the knowledge that they had about wolves.

Uh, I don't know that any of us had a tremendous amount of technical knowledge. Of course that was the purpose of the technical committee members, and I'm not sure that they did except perhaps for the Federal ones.

He seems to be suggesting that only the Federal technical

advisors had any knowledge about wolves, completely ignoring the accumulation of knowledge of most of the conservation representatives based on their years of work on wolves.

Magagna had strong feelings about what he perceived as the agenda of the Federal representatives.

I would have to say that I was disappointed, really, in the, what I perceived to be the Federal players coming to the table with an agenda . . . I think that the Federal players that were on the Committee were basically all committed to wanting to achieve a wolf reintroduction . . . in a workable manner but wanting to, that was their goal and given the fact that the time the Committee met and yet today that there's no Federal policy that says that there should be reintroduction of wolves . . . I felt that was somewhat inappropriate and that they should have . . . played a more neutral role or perhaps a less powerful role than they did. And that's not a reflection on them as individuals I think so much as what I think that their particular offices demand . . . I don't think they were inflexible so much as they were somewhat determined to get a consensus report or a majority report, I should say, the six-member report at all costs.

Magagna's mindset toward the Federal representatives was further revealed in the following comments. He viewed them in a stereotypical light and did not have much trust in them.

If there was stereotyping, you know, there might have been in some of our minds toward the Federal people, just as Federal bureaucrats, so to speak.

We did not feel in the livestock industry and the other groups that I represented that we could have something that was strictly in the hands of the agencies (Magagna).

Magagna was asked, "If the opportunity existed to start all over again with this Committee what would you like to see done differently?" His answer further reveals his attitude toward the Federal representatives.

If Congress were actually starting all over with calling for a committee, I guess the first thing I would like to see different, and this is just a fundamental premise, whether it was a committee for this or any other purpose, I don't think that the Federal agency people should be a part of the committee. If you're looking to get an independent committee to draft something, then I think they should be resources to the committee, but to me should have been made up of non-Federal people. So you have people who . . . are not feeling they have to produce a product for the person over them or for their Secretary, [people who] have no stake in the process per se as opposed to the outcome. But what I say about not having Federal people on would go back to even before then. I mean, when the Congress first passed the legislation, before I even knew who was going to be on it, that was a concern to me when I saw the legislation, that I didn't think that agency people should have be a part of the actual Committee [for other types of controversies like this as well]. I just think if you're going out to the affected interests to get input and try and develop a plan. I mean, I served, for example, not on the current one that's in existence but six or seven years ago on a similar advisory committee that Congress authorized and the Secretary appointed on wild horse and burros. And the agency people were there to work with us, to advise us, to provide background and guidance but they weren't actual members of the committee. And I think it works better that way. And that would have, without making the Committee larger, would have created an opportunity for some other broader interest groups to be involved as well.

Other clues to Magagna's feelings are revealed in his discussion of the effect of the Endangered Species Act:

A: Why, certainly I think the Endangered Species Act . . . had a tremendous impact on, not only on the product that we finally came out with but perhaps even more so on the fact that we weren't able to reach a unanimous decision on that product. And I really came to feel as we went through the process that, and this is my perspective on some of the pro-wolf groups that were involved, not necessarily on the individual players on the Committee but at least their constituencies that maintaining the integrity of the Endangered Species Act, uh, was a primary consideration and I might even say to some degree interfered [with] coming up with a workable solution on the wolf issue itself.

Q.: So it's your feeling generally that the Endangered Species Act prevented the unanimous agreement?

A.: I think that . . . it certainly prevented, I think, some of those who did not endorse the proposal that we came out with from being able to endorse it . . . I don't know if it's fair to say it prevented a unanimous agreement because . . . the other side would say that some of the things that we stood for prevented it, but . . . it's my opinion, yes, that maintaining the integrity of the Act became paramount for some of the players to actually achieving a reintroduction of wolves because I feel that the proposal that the Committee endorsed in fact would have achieved that reintroduction and met the needs of all the players as far as getting wolves into Yellowstone.

Magagna does not acknowledge that the conservationists had more than one objective at this negotiation. In addition to reintroducing wolves into YNP, adequate protection of the animals was an objective and that provision was missing from the final proposal. Sensitivity to other negotiators' needs is an important part of the negotiation process (Fisher and Ury 1981). Through that recognition comes the opportunity to reach a mutually satisfactory agreement.

Magagna seems to ascribe certain undesirable intentions to other Committee members while adhering closely to the same type of intentions himself. He speaks above of constituencies' influence on certain Committee members in "maintaining the integrity of the Endangered Species Act" as a primary consideration, as though constituencies' influence was something undesirable, yet he also was influenced by his constituencies.

As far as the private sector people, . . . I would hope we were influenced to some degree in the sense of as we analyze things, not just analyzing them from a personal perspective but analyzing them from, uh, how they would affect or impact and how they would be viewed by our constituents.

This is an example of attributional distortion (Susskind and Cruikshank 1987). Attributional distortion occurs when it is acceptable for someone who is viewed favorably to do something but if someone who is viewed unfavorably does the same thing, it is not acceptable.

Attributional distortion also occurred with Magagna's notion that other members ought to make concessions, but he was not willing to make any himself.

I went into the thing certainly committed to working very hard to try and come out with a consensus plan. Uh, but also fully prepared that if we couldn't . . . it didn't bother me to have to go back to the Secretary or to Congress and say, "We're unable to reach a consensus, but we've all given it our very best and earnest try." I had a feeling that for the Federal players on there, . . . whether it was a pressure they felt or because they saw this as part of their jobs that there was a much stronger feeling that somehow we had an obligation to all give until we had a consensus on something.

According to respondents, Magagna held much power on the Committee yet wielded that power in a very quiet manner. There were hints of awe in voices as they described how he used the situation to his full advantage. His years of experience in the ranching industry and as an active member of livestock organizations put him into many situations where he learned negotiation skills. As Neal explained, ranchers have learned to understand politics and become effective lobbyists.

### **One Reluctant Bargainer**

Informants discussed K. L. Cool's impact on the process almost as much as Magagna's, but with no confusion whatsoever.

His agenda was quite clear to each one who mentioned him. In addition to his role in the voting coalition, Cool was important to the process because "he was one of the few early on that . . . drew a hard line in the sand and said, 'I'm not crossing this,' and . . . played the other State representatives and the States' rights issue big time" (Brewster, pers. comm.). Cool's positional bargaining froze up the process and really blocked it because he was not willing to do anything without including northwest Montana (Tucker, pers. comm.). He was also adamant that the ESA needed to be amended. Several informants noted ways in which Cool frustrated the negotiation process.

I thought Cool acted very unprofessionally. I think that he [had] tremendous disregard for the process and complete absorption with [his] agenda . . . There was no interest in reaching a solution but rather in disrupting the process and continually trying to promote this agenda of [his] own State's interests and the endangered species process. [During the last meeting,] he was [extremely rude to Hank]. I remember how we all felt about K. Cool (Anon.)

I think we would have made some progress on Yellowstone and how to manage wolves in Yellowstone but we were continually [dealing with Cool's agenda] (Anon.).

I think Cool missed some of the meetings. As I recall, he missed part of the meeting in Boise. I think the dynamic there that was most interesting is that I think people felt like, "Well, wait a minute. Isn't he taking this seriously?" . . . He had to cut out and go do something else . . . His legislature was meeting and he had to go do budget presentation or something and . . . it was sort of like people understood that he had to do that, but on the other hand, they all were there and it wasn't like they all didn't have political concerns at the same time. Especially the other directors. Petera's legislature was meeting, as I recall. And so . . . I think there was a little bit of . . . "Well, wait a minute. Why is K. L. Cool's everyday business so

important that he can't be here and, but I've decided that this is important and I'm here," you know . . . "He doesn't think we're as important as other things here." And that's . . . clearly . . . a reporter's observation and . . . not anything that I'm confident enough in to report. You know, I didn't report that in any of the stories . . . that people were angry that he wasn't there. I think I reported that he had left early. I think it was important for me to tell people, because if the people in Montana feel like they're in part being represented by their game management agency director, they needed to know that he wasn't there. Now, what happened then was that Arnold Dood would then go up and sit with the Committee and represent Montana and . . . I thought that Arnie was very capable. The one thing with Arnie is that he would have to communicate by telephone . . . before he could make any decisions (Anon.).

An interesting aspect of Cool's absence at any meeting, particularly the last meeting, was that one of the ground rules established by the Committee allowed voting by members only. Their alternates could not vote in their place. However, Dood apparently was allowed to vote at the last meeting as the Committee was finalizing all the management details of the matrix. He did have to confer with Cool by phone, so his votes were not independently cast.

### **Unwillingness to suspend disbelief<sup>11</sup>**

Differences in the perception of reality among Committee members can be a significant source of conflict during a negotiation (Fisher and Ury 1981). For each member, their perception of reality is their reality. Differences in perception lead to disagreement, poor communication, and insensitivity to others' positions (Wall 1985).

During these negotiations, some members showed great sensitivity to other members' positions. The Federal members attempted to meet State concerns over management. States worked together with the livestock and hunting representatives in support of each other's concerns. However, the differences in perception created in some Committee members an unwillingness to suspend their disbelief<sup>12</sup>, i.e., to benefit from new information, which then led to disagreement. Adhering to childhood stories, myths, and rumors is an example of being unwilling to benefit from new information.

Magagna apparently had the idea that somehow wolves could be confined within a boundary and thereby kept self-contained. When it became clear that such a scenario was impossible, he became overly concerned with tightly tying up any loose ends in an alternative. As Pat Tucker explained it,

It became, especially with an animal like the wolf, it wasn't quite as clean, and he as an attorney, I think saw just, well, I'll tell you. I mean, he just was not willing to suspend his disbelief at all. He figured . . . if there was any gray area, there'd be a lawsuit and ranchers would lose and so he was just not willing to have anything where all the i's weren't dotted and t's weren't crossed and it's really tough to do that with any



sort of resource management and wildlife management because they're not static.

Magagna was also concerned with the anticipated losses of livestock and not inclined to believe the projections about such losses, saying "there was ongoing disagreement about, if you did have a wolf population, what the anticipated level of loss could be." He also did not believe that facts from Minnesota were applicable to Wyoming (see pg. 48-49). Prior to the convening of the Committee, Magagna had suggested that the deadline "doesn't leave any time for anyone to do any research" (AP 1991), indicating that he placed no faith in the existing science.

Petera was distrustful of information in the areas of compensation and predation. He suggested that a trust fund be established so that the Federal government would be responsible for any livestock losses that would occur. He did not think Defenders of Wildlife's compensation fund of \$100,000 was adequate. Additionally, he wanted the Animal Damage Control unit (ADC) of the Department of Agriculture to be responsible for answering calls about predation. He also believed that depredation on wild animals would be much greater than that reported elsewhere in the United States and said that his fears were not allayed at all by technical information provided from Minnesota, where wolves and their prey have co-existed for decades. Petera's perception of reality seems to be that wolves will cause massive depredation of livestock and wild animals and that mechanisms currently in

place to handle depredation concerns are inadequate. As Mumma said, "If you've got some prejudices and biases, and they remain throughout the process . . . you can be given a lot of good information and discount it."

The discussion of the Endangered Species Act was rife with disputes, largely because of unwillingness on the part of some members to suspend the beliefs that boundaries for an experimental population could be drawn wherever they desired and that all wolves, even those naturally occurring, could be included in that designation.

Lastly, the unwillingness of some members to suspend their disbelief may be associated with lack of incentive to negotiate and their involuntary participation in the negotiation process.

### **An "Involuntary" Negotiation Process?**

The Wolf Management Committee negotiations were not a voluntary negotiation which may be a critical factor in the breakdown of the negotiation process. A central authority was forcing cooperation (Axelrod 1984). All members were assigned to the task. As a result, the level of willingness to come to the table varied among the members, varying from lobbying to be on the Committee to obvious reluctance.

At least two State representatives were reluctant participants. Arnie Dood specified very clearly the attitude

of the State of Montana regarding the establishment of the Committee.

When Congress set up the Wolf Management Committee, they designated who was to be on it and I guess one comment to make is that, you know, the State, our agency didn't ask for this Committee. I mean, the decision to put the Committee together wasn't ours and we had no input into the decision to put the Committee together.

K. L. Cool's reluctance was evident from his insistence on positional bargaining. While representatives of the State of Montana were unwilling participants, they did recognize a need to be on the Committee. Pete Petera's reluctance was demonstrated by his request that his Fish and Game Commission give him the authorization to be cooperative only under certain conditions (Neal, pers. comm.). He had also expressed to Dan Neal his unwillingness to have wolves in the State of Wyoming. Jerry Conley did not display any evidence of unwillingness to participate. At one point, he stated that he had no objection to wolves in the State so long as they were managed like any other species of wildlife. He did explain, nonetheless, that the State of Idaho had been reluctant to let him participate but they also felt a need to have him on the Committee.

The Federal members were selected by their superiors. Their willingness was based in part on doing their job. It did appear from the interviews that they were each willing negotiators. However, their past experiences with these types of efforts in mediation probably raised some doubt about whether agreement was possible and, consequently, instilled

within them a bit of reluctance.

When negotiators do not "believe" in the issue that is being negotiated, as was the case for some members of this Committee, they will not be willing negotiators. The livestock and hunting representatives were not happy with the subject of the negotiation. They were willing to be there only to ensure that wolf recovery would not take any steps forward. "It was . . . fairly clear that there were folks that were not pleased with the direction that was given" (Mumma, pers. comm.). Bean commented that Magagna and Bennett were of the mindset to give no ground. Neal stated that "Magagna obviously came in . . . ardently opposed to wolf reintroduction and . . . sort of feeling like he had to talk about it because he was on the Committee." Jerry Conley also perceived "role-playing in terms of beliefs that people didn't come in with a clear clean mind trying to resolve the problem."

Conservation organizations had been lobbying hard to convince Congress to fund an EIS in order to begin implementation of the Northern Rocky Mountain Wolf Recovery Plan (U. S. Fish and Wildlife Service 1987). Therefore, the conservationists were perhaps the most willing to participate on the Committee. However, as mentioned previously, one conservationist expressed concern that the Committee process might just be a delaying tactic. Therefore, that member may have experienced mixed emotions about participating, perhaps

feeling a certain amount of unwillingness to participate, while at the same time lobbying to be nominated to the Committee.

Another symptom of involuntary negotiation was the reluctance to negotiate.

It became apparent to a number of the technical members that -- We spent a lot of time compiling and presenting technical information to the Management Committee and it was basically irrelevant because . . . they had come into it with a position and it appeared that no matter what information was presented, uh, they weren't going to base the recommendation on the information. They were going to be in a totally negotiative process on getting the best deal for their constituency that they could (Brewster).

Additionally, the negotiations took much longer than they should have, according to Pat Tucker. As she explained, the wolf recovery issue has been around for a long time, and the issues are well known. The Committee was:

just playing and skirting around some of the tough issues. They waited until the last minute to really get down to some serious voting and negotiating. I mean, this is just, this is not a new issue. We've been through this for 5 years and everybody knows where everybody stands and it was a matter of seeing whether this Committee could agree, could really in fact agree on anything if they all sat down together. And it turns out that they couldn't.

It is unlikely that those Committee members who were representing anti-wolf constituencies were at the table to negotiate. It has been suggested that they were there only to protect the interests of their constituents who were against wolf recovery. According to John Mumma, when a negotiator represents such interests, it is necessary for that negotiator to champion that constituencies' interests. Because of

pressures from those constituents, Mumma seemed to believe that the issue was unresolvable because some constituents would never be happy. Remaining faithful to those constituents prevented their representatives from making any concessions. "As that champion of that interest . . . if it looks like you've kind of pulled out, then you haven't represented those interests . . . and that just keeps the fires burning, so to speak." Demonstrating a willingness to negotiate implies weakness to a negotiator's constituent (Wall 1985); therefore, it is probable that certain members were unwilling to negotiate.

## CONCLUSION

The final criteria for assessment of the Wolf Management Committee negotiation process is whether or not the Committee was successful in meeting the Congressional mandate to develop a reintroduction and management plan. Michael Bean's experience in watching Congressional processes yielded this analysis.

I think [the Committee process] was unsuccessful because I believe that the charge of the Committee really was to figure out a way to aid in wolf recovery within the context of existing law and the Committee ended up recommending a course of action that could not be accomplished within the law. And at that, threw the matter back in the lap of Congress. Whereas I thought Congress had given some reasonably fair indication that it didn't want the matter brought back to it. It wanted the parties to come to terms on something that could be accomplished without further Congressional action.

Whether or not the Committee met the Congressional mandate can be argued from two points of view. The language of the legislation called for a plan to reintroduce and manage wolves. The plan did that. The Committee's plan failed to meet the mandate in two ways. The Committee was supposed to develop a plan for wolves in Yellowstone National Park and the Central Idaho Wilderness Area. By including all of Montana, except the Glacier National Park area, the Committee did not meet the Congressional mandate. The unwritten mandate (intent) of Congress was that the plan should be within the guidelines of the Endangered Species Act, an inherent assumption since the wolf is an endangered species. The plan failed to meet that mandate.

If the Committee was unsuccessful in terms of fulfilling the Congressional mandate, was it nevertheless successful in putting together a good agreement? A good negotiated settlement results from four elements: fairness, efficiency, wisdom, and stability (Susskind and Cruikshank 1987). A brief examination of each of those elements will determine if the Wolf Management Committee plan was a good settlement.

The Committee negotiations met some of the criteria for fairness. The process was open to public scrutiny. All parties had access to the technical information. Everyone was given an opportunity to express their views. All parties were represented. Accountability to constituencies is more difficult to assess. The hunter's representative was more of a livestock representative. The Federal and State representatives have many constituency groups to represent and cannot be accountable to only one group. The livestock and conservation representatives were fully accountable to their constituents.

The process lacked fairness in that there was no means for a due process complaint to be heard at the conclusion of the negotiations. It is likely, however, that the Congressional "umbrella" would not have allowed that mechanism to be in place. At the same time, though, before any rule could be put in place as a result of the report to Congress, the National Environmental Policy Act (83 Stat. 852, 42 USC 4321, 4331-4335, 4341-4347 as amended) requirements for public



input would have to be met, thereby meeting, to some degree, the need for a due process complaint mechanism.

The most important judgment of fairness is whether or not the participants perceived the agreement to be fair. Perception of fairness occurs most often when the plan is open to continuous modification during the process. Continuous modification depends on the willingness of the parties to accommodate each other's special needs. The Wolf Management Committee plan did not fully meet this test of fairness.

The two conservationists and Jim Magagna probably did not perceive the agreement as fair. Magagna resented the participation of the Federal agencies in the process and said that he thought a better agreement could have been reached without them as a part of the process. The conservationists were completely shut out of the process of finalizing the management matrix at the end of the negotiations.

If an agreement is to be efficient, participants must be able to trust each other enough to reveal their true priorities. "The lack of trust that typifies political bargaining often prevents exchange of accurate information about true priorities" (Susskind and Cruikshank 1987). The Wolf Management Committee negotiations surely failed this test. Magagna never had enough trust to reveal his true priorities.

Additionally, an inefficient agreement results when a party, particularly one with political power, chooses to act

unilaterally. Such an action may bring about speedy resolution but creates a false efficiency. Implementation problems usually arise from such action. The Fish and Wildlife Service acted unilaterally when Turner approached Magagna behind the backs of all the other negotiators to put together the final proposal. Implementation problems certainly have arisen from that action because the agreement was not able to be implemented at all without Congressional action.

One element of a wise agreement is that it contains the most relevant information. It is not based on advocacy science (one side attacking the validity of the other's science.) Magagna attempted to engage in advocacy science, suggesting one scientist as a guest speaker. The speaker then contradicted scientific information presented earlier to the Committee and compiled in Wolves for Yellowstone? A Report to the United States Congress, Volume II (Yellowstone National Park et al. 1990), a series of studies done by noted scientists to gauge the effects of wolf reintroduction into the Park.

The fourth criteria of a good agreement is stability. Key components of stability are feasibility and endurance of the agreement. Feasible means that the agreement can be implemented. If implemented, it should hold up over time (Fisher and Ury 1981). Participants in a public dispute resolution should not strike a deal they will be unable to

implement (Susskind and Cruikshank 1987). By giving Congress something that required a additional action by Congress and which did not fulfill the mandate given the Committee, they in effect put together a deal that could not be implemented.

Was it possible for this group to reach an agreement that would have been satisfactory to all the parties? So long as each negotiator had to represent certain constituencies, given that the wolf recovery issue has long been a highly divisive and emotional issue, and given the long history of controversy attached to the issue, it was probably not possible to reach a mutually satisfactory agreement. The primary areas of contention that prohibited agreement were the desire of the conservationists to keep the plan within the limits of the ESA, the desire of the State of Montana to have full management authority before recovery, and the desire of the livestock constituents to have liberal take. The latter two concerns are diametrically opposed to the former and cannot be included in a plan that meets the intent of Congress.

In the final analysis, the Wolf Management Committee did not meet the Congressional mandate, nor did the negotiation process produce a good agreement. The long history of controversy over an extremely emotional and polarized issue ensured that this effort would not bring to an end the cacophony over wolf reintroduction and recovery.

### POSTSCRIPT

The Wolf Management Committee was a valiant effort to bring to an end the controversy surrounding the implementation of the Northern Rocky Mountain Wolf Recovery Plan (U.S. Fish and Wildlife Service 1987). The process did ultimately convince Congress to end the political stonewalling and proceed with the Environmental Impact Statement. Once the report reached Congress, it disappeared for a time. Galen Buterbaugh explained.

It disappeared into a black hole. Now what happened is, see, all of the information from the public-- Well, there was another-- After we had the public hearings that the Committee wanted, there was intense pressure on the Secretary to have another round of public hearings right close to the end, actually past the point where we thought we could use the information. The Secretary forced us to have this round of public hearings. All of that information, and this was boxes and boxes of comments from people that we'd received in writing, were bundled up and given to the Secretary's office to be delivered to the chairmen of the two appropriations committees that had put the language in the Interior bill . . . in order to do the study . . . I, to this day, do not know if that information ever got up there. Nobody's been able to tell me whether it did or didn't. I have the impression that it maybe got lost or it's somewhere in the Department, nobody knows where, and it just never did get up to Congress. Now, the report obviously was hand carried up and the [Appropriations] Committees [in the House and Senate] did get the report. So the reports were delivered to [the Committee Chairmen]. The feedback we got from staffers indirectly was they didn't like the report and it had just kind of disappeared into the woodwork and what came up as a compromise after that was in effect since we didn't really do what they wanted us to, or they weren't satisfied with the language in the report, then they came out with the instructions with doing an EIS and the money to write the EIS. So in effect their answer was, we're going to ignore the report, but I don't know that they've ever said that in writing. In fact I don't think there's ever been anything which is the feedback I've gotten is that they didn't, they just were not satisfied with the report and,

uh, because there was, there is no good answer. I mean, there is no position that's going to make everybody happy, no way you can do that, and so they said, get on with the EIS process, which is what we'd been saying all along from the very beginning.

Michael Bean, from his experience watching Congressional action, offered his appraisal regarding the decision of Congress to fund an EIS.

The fact that the Committee had . . . voted for anything . . . was . . . I think useful in persuading the Appropriations Committee to discontinue the . . . impediment to the preparation of an EIS, that . . . the [Appropriations] Committee had imposed up until that point. And since EIS's . . . are also supposed to examine a range of possible alternatives, it was persuasive, I think, to argue that . . . the EIS that Interior might now do would be one that should look at a range of options including the option recommended by the Wolf Management Committee. So with that shared understanding . . . the process inched forward to the step of . . . calling for rather than blocking the preparation of an EIS.

Jim Magagna, as might be expected, was disappointed with Congress's inaction on the report.

It would have been very nice if Congress had simply taken the proposal and acted upon it. As it is, it was basically ignored by the committees that had requested it . . . The House outright rejected it and the Senate really didn't do anything with it. But that doesn't mean it's dead and certainly doesn't mean to me that the process was a waste. I think that now as the EIS process goes on and the alternative are developed and we have been assured that the Wolf Management Committee proposal will one of those alternatives . . . I can see a scenario very easily where it will still surface as very much the workable solution, the middle ground to the problem. Maybe not entirely just as we drafted but it forms a potential for that.

Since submission of the Committee's report, Congress has ordered an EIS to be completed by May 1993. The Committee's recommendation is being considered as one of the alternatives.

Congressmen from the Montana, Idaho, and Wyoming continue to pressure the process, calling for more public hearings, in the belief that the EIS process for public input is inadequate (AP 1992).

Federal managers who were participants on the Wolf Management Committee are no longer Federal employees. All three were given forced reassignments and chose retirement rather than take the reassignment. One member of the technical committee expressed the opinion that while there were other factors primarily involved in the reassignments the whole process of the Wolf Management Committee may have been the final straw.

Finally, the ultimate irony looms on the horizon. In the fall of 1992, a hunter shot a canid near Yellowstone National Park. Some wolf experts who viewed video footage of the animal believe it is a wolf. Official confirmation through DNA testing is being sought and results will be released soon. If the tests confirm that the canid was a wolf, researchers will search for the four or five other canids that were believed to be associated with the one that was shot. If they are wolves also, they will receive full protection under an endangered status, effectively ending the controversy over reintroduction for once and for all.

## NOTES

1. For clarification, Committee with an uppercase "C" refers to the Wolf Management Committee; committee with a lowercase "c" refers to the technical committee, although in most cases, the technical committee is referred to by its full name.
2. For example, the first question in No. 1 was omitted after the first several interviews and only the second question of No. 1 was asked thereafter.
3. This study employs methods from the fields of both Sociology and Forestry. The term "informant" comes from Sociology and implies a person who gives information in reply to open-ended questions, especially of a broad nature. The term "respondent" comes from Forestry and implies response of a limited nature to a survey or questionnaire. The nature of the questions used in this study are both open-ended and somewhat limited; therefore, both terms are appropriate to describe the people who were interviewed. They will be used interchangeably, with the term "informant" used primarily when the information given was of a confidential nature.
4. Rearranging can be done literally with scissors and tape or with the help of a computer, which thankfully has made the task much easier. The Ethnograph, a computer software program, has recently been developed to sort narrative through topical analysis.
5. Due to the politically sensitive nature of the wolf issue, and the need for some members of the committees to continue to work together, where the information is particularly sensitive, use of names has been judiciously restricted in order to attempt to preserve relationships.
6. \*indicates those persons interviewed while \*\* indicates those who responded to a questionnaire.
7. Because of the liberal use of interview segments in this paper and in order to avoid extreme redundancy, when the segments appear in the text (name, pers. comm.) will be used. When a block quotation is used, it will be followed by (name) only. Where (Anon. Intv.) appears, the name was deleted because of a particularly sensitive statement (see Note 5). The date will be used with only the first pers. comm. for each person and will not be used with block quotations.
8. This is another example of concern for future relationships.
9. One respondent reported that this abstention occurred because of the importance of working relationships with certain publics. The abstainer did not wish to offend those publics and abstained in order to preserve the relationship.

10. When discussing the conflict between the Federal agencies and the States, one respondent exhibited an extreme amount of anxiety. At one point, throughout a lengthy narrative, he was nervously playing with an item, unobserved during the interview, that made a pinging sound on the recorded conversation. At no other time did that sound occur. Having made his initial statement on the subject, he was then reluctant to further answer questions, suggesting that those answers had probably already been obtained from another person.

11. Credit for this term belongs to Pat Tucker.

12. As used in this context, disbelief can be defined as beliefs that are contrary to the evidence and technical information. The disbelief occurs in doubting information that is opposite the currently held beliefs.



## APPENDIX

Questions Regarding the Nature of the Negotiation Process of  
THE WOLF MANAGEMENT COMMITTEE  
For Wolf Management Committee Members

1. How was the Wolf Management Committee formed? How were you selected as a participant?
2. How were Technical Committee members chosen? What was their assignment? Did they participate in the process other than formulating alternatives? If so, how?
3. Discuss the ground rules. What were the ground rules? What method/process was used to choose them?
4. What method was used to determine the issues? What were the issues you wished to see dealt with? Were there divisions along lines relating to issues (polarization)?
5. Discuss the impact of various laws on the proposed alternatives. What dissension occurred around the laws? How was that dissension dealt with?
6. How many solutions were proposed and how were they arrived at? How was the final proposal decided on?
7. What kind of background or confidential information did the parties have that was helpful in enlightening committee members?
8. How did the reputations of the committee members influence the process? Did stereotyping occur? Were the parties acquainted with each other prior to coming together on this committee? Was there or is there any expectation of working with any committee member again in the future? How were negotiations affected by that possibility?
9. What was your "bottom line", the "worst-case" scenario you were willing to agree to? What was the "best-case" scenario you were hoping for? At what point would you have considered "walking out" (ending your participation)?
10. From your observation, what was the mind set of each committee member? Did any shifts in mind set or attitude occur during the term of the committee?
11. Were all parties represented that needed to be? Was anyone intentionally left out? Should anyone else have

been included?

12. Were efforts made to be cooperative? Were efforts made to elicit cooperative behavior? What happened when someone wasn't cooperative? How were disagreements resolved? Were unreasonable demands made? If so, how were they handled?
13. Was an effort made to separate emotions from the issues? How were deeply-held emotional convictions dealt with?
14. Were some parties taken advantage of? Did any party make more concessions than others? What concessions did you make to reach agreement on the final draft proposal?
15. How did the time deadline affect the process?
16. What influence, if any, did the change of location for some of the meetings have on the process?
17. How did the public involvement affect the process?
18. What could have made discussions more productive, if anything?
19. Would a mediator have helped the process?
20. If the opportunity existed to begin again, what would you like to see done differently?

Questions Regarding the Nature of the Negotiation Process of  
THE WOLF MANAGEMENT COMMITTEE  
For Technical Committee Members

1. How were Technical Committee members chosen? What was your assignment? Did you participate in the process other than formulating alternatives? If so, how?
2. Did the Technical Committee have ground rules. If so, what were they? What method/process was used to choose them?
3. How many alternatives were proposed and how were they arrived at? How was the final proposal decided on?
4. Discuss the impact of various laws on the proposed alternatives. What dissension occurred around the laws and how was it dealt with?
5. What kind of background knowledge did the committee members have?
6. How did the reputations of the Technical Committee members influence the process of putting together alternatives? Did stereotyping occur? Was there or is there any expectation of working with any committee member again in the future? How were decisions affected by that possibility?

OBSERVATIONS OF WOLF MANAGEMENT COMMITTEE INTERACTIONS

1. What method did the Wolf Mgmt. Comm. use to determine the issues? Were there divisions along lines relating to issues (polarization)?
2. How did the reputations of the Wolf Management Committee members influence the process? Did stereotyping occur? Was there any expectation of working with any committee member again in the future?
3. From your observation, what was the mind set of each committee member? Did any shifts in mind set or attitude occur during the term of the committee?
4. Were all parties represented that needed to be? Was anyone intentionally left out? Should anyone else have been included?

5. Were efforts made to be cooperative? Were efforts made to elicit cooperative behavior? What happened when someone wasn't cooperative? How were disagreements resolved? Were unreasonable demands made? If so, how were they handled?
6. Was an effort made to separate emotions from the issues? How were deeply-held emotional convictions dealt with?
7. Were some parties taken advantage of? Did any party make more concessions than others? What concessions were made to reach agreement on the final draft proposal?
8. How did the time deadline affect the process?
9. What influence, if any, did the change of location for some of the meetings have on the process?
10. How did the public involvement affect the process?
11. What could have made discussions more productive, if anything?
12. Would a mediator have helped the process?

## LITERATURE CITED

- Associated Press. 1989a. Park director opposes wolf legislation. Gazette Telegraph. Colorado Springs, CO.
- Associated Press. 1989b. Expert expects wolves to be roaming free in Yellowstone. Gazette Telegraph. Colorado Springs, CO.
- Associated Press. 1990. Idaho's Andrus won't tamper with wolf panel. Missoulian. Missoula, MT.
- Associated Press. 1991. Wolf panel being rushed, members say. Missoulian. Missoula, MT.
- Associated Press. 1992. GOP congressmen lobby Lujan for wolf hearings. Missoulian. Missoula, MT. P. C-3.
- ✓ Axelrod, R. 1984. The evolution of cooperation. Basic Books, Inc., New York, NY. 241 pp.
- Bacharach, S. B. and E. J. Lawler. 1981. Bargaining: power, tactics, and outcomes. Jossey-Bass Publishers, San Francisco, CA. 234 pp.
- Bingham, G. 1986. Resolving environmental disputes: a decade of experience. The Conservation Foundation, Washington, D.C. 284 pp.
- ✓ Cohn, J. P. 1990. Endangered wolf population increases. BioSci 40(9):628-632.
- Devlin, S. 1990. State wants say in fate of wolves. Missoulian, Missoula, MT.
- Douglas, J. D. 1985. Creative interviewing. SAGE Publications, Inc., Beverly Hills, CA. 159 pp.
- Driessen, J. J. (n.d.). Topical analysis: a method for collecting, classifying, and developing concepts and models from narrative data. University of Montana, Missoula. 12 pp.
- Emerson, R. M. 1983. Contemporary field research: a collection of readings. Little, Brown and Company, Boston, MA. 335 pp.
- Glaser, B. G. and A. L. Strauss. 1967. The discovery of grounded theory: strategies for qualitative research. Aldine de Gruyter, NY. 271 pp.

- Greenway, A. 1990. States win voice in wolf recovery. Missoulian, Missoula, MT.
- Fisher, R. and W. Ury. 1981. Getting to yes: negotiating agreement without giving in. New York: Penguin Books. 161 pp.
- Lindler, B. 1990. Marlenee compares wolves to cockroaches. Great Falls Tribune, Great Fall, MT.
- Little, C. E. 1991. The old wild life: wolves and bears and a vision for the Greater Yellowstone Ecosystem. Wilderness. Summer 1991:10-16, 22-25.
- McNamee, T. 1986. Yellowstone's missing element. Audubon 88:12-14.
- McNaught, D. A. 1987. Wolves in Yellowstone? - Park visitors respond. Wildl. Soc. Bull. 15:518-521.
- Melnykovych, A. 1990. Wolf restoration needs passion. High Country News, Paonia, CO. P. 13.
- Noreen, B. 1989. Yellowstone wolf proposal at standstill. Gazette Telegraph, Colorado Springs, CO.
- O'Gara, G. 1986. Filling in a missing link. Sierra. Nov/Dec.:20-21.
- Pruitt, D. G. 1981. Negotiation behavior. Academic Press, New York, NY. 263 pp.
- Raiffa, H. 1982. The art and science of negotiation. The Belknap Press of Harvard University Press, Cambridge, MA. 373 pp.
- Satchell, M. 1990. The new call of the wild. Time. October 29:29.
- Skow, J. 1989. The brawl of the wild. Time. November 6:13-16.
- Steinhart, P. 1988. A wolf in the eye. Audubon 90:79-89.
- Susskind, L. and J. Cruikshank. 1987. Breaking the impasse: consensual approaches to resolving public disputes. Basic Books., Inc., NY. 276 pp.
- Talbott, A. R. 1983. Settling things: six case studies in environmental mediation. The Conservation Foundation and The Ford Foundation, Washington, D. C. 101 pp.

- U.S. Fish and Wildlife Service. 1987. Northern Rocky Mountain Wolf Recovery Plan. U.S. Fish and Wildlife Service, Denver, CO. 119 pp.
- Wall, J. A., Jr. 1985. Negotiation: theory and practice. Scott, Foresman and Company, Glenview, IL. 182 pp.
- Williams, T. 1990. Waiting for wolves to howl in Yellowstone. Audubon 92:32-41.
- Wolf Management Committee. 1991. Minutes. U.S. Fish Wildl. Serv. Unpub. 35 pp.
- Wolf Management Committee. 1991. Reintroduction and management of wolves in Yellowstone National Park and the Central Idaho Wilderness Area: a report to the United States Congress. U.S. Fish Wildl. Serv. Unpub. Rep. 31 pp.
- Wright, K. 1990. No agreement yet. High Country News, Paonia, CO. P. 13.
- Wyoming Game and Fish Department. 1991. Attitudes of Wyoming residents on wolf reintroduction and related issues: executive summary and questionnaire. 10 pp.
- Yellowstone National Park, U.S. Fish and Wildlife Service, University of Wyoming, University of Idaho, Interagency Grizzly Bear Study Team, University of Minnesota Cooperative Park Studies Unit. 1990. Wolves for Yellowstone? a report to the United States Congress, Volume II: research and analysis. Natl. Park Serv., Yellowstone Natl. Park, WY. 575 pp.
- Yin, R. K. 1984. Case study research: design and methods. SAGE Publications, Inc., Beverly Hills, CA. 159 pp.