"Building a Reservoir to Nowhere: The Role of Agencies in Advocacy Coalitions," co-authored with Brian Ellison. *Policy Studies Journal.* 2010. Volume 38: 653-678. ISSN: 0190-292X,

Building the Reservoir to Nowhere: The Role of Agencies in Advocacy Coalitions

Brian A. Ellison and Adam J. Newmark

ABSTRACT

The purpose of the advocacy coalition framework is to explain policy change over time through an examination of the stability of advocacy coalitions within policy subsystems. Recently, scholars have confirmed that advocacy coalitions are held together by shared belief systems, specifically in distributive policy arenas. We contend that federal agencies, in distributive policy arenas, provide both the anchors and support systems for the development and maintenance of belief systems. This anchoring helps provide adequate resources, access to political institutions, ability to control administrative process, and/or the capacity to deliver public goods and services. We conducted an analysis of the policy changes that occurred during the implementation of the National Environmental Policy Act for the construction of the Bureau of Reclamation's Animas-La Plata project. This is an example where administrators, through the management of information, were able to control the policy process. The analysis provides a needed replication of previous findings regarding policy change and offers new insights into how institutions are critical to subsystem stability over time.

Members of the public and the media often treat administrators and agencies as bystanders in the policy process. Members of Congress debate, presidents appoint and manage, justices choose, interest groups and their supporters cajole, while administrators—especially the rank-and-file bureaucrats—sit on the sidelines and wait for orders. Of course scholars know that agencies matter, but what if they are most important? What if administrators in agencies direct the policymaking process through coordination with allies and manipulation of the legal process?

This is not a simple question. When one agency directs and wins a debate, for example, another agency almost certainly loses. Or, more often than not, one agency makes more concessions in policy conflicts than another. Hence, the exercise of administrative power is almost certainly a process, like everything in politics, of give-and-take and nuance. Scholars of bureaucratic politics have long noted that successful agencies struggle to control the policy process through deft management of expertise and their clientele, along with the possession of capable leadership and

organizational vitality (Clark & McCool, 1985; Rourke, 1984; Seidman & Gilmour, 1986). Both Wilson (1978, 1989) and Carpenter (2001) contend that administrators seek to protect their policymaking autonomy through the use of expertise and maintenance of information. And other scholars maintain that administrators struggle to aggrandize their agencies, like any firm in the private sector, through competition for an ever-greater share of the public market (Downs, 1967; Holden, 1966; Niskanen, 1971; Tullock, 1965). Others have acknowledged the internal and external factors that influence agency power and autonomy (Eisner, 2000; Meier & Bohte, 2007).

Early theories of policy formulation, especially the iron triangle (or subgovernment) concept in distributive policy arenas, placed agencies at the center of the policymaking process as they worked with clientele and key members of Congress to secure the authority and funds needed to develop resources and build projects (Maass, 1951; Mann, 1975; McCool, 1994; Miller, 1985; Redford, 1969). The implementation literature, within the context of administrative activity, is also constructed on the fundamental insight that a gap exists between the legislative formulation of public policy and the administration implementation of it. In response, the implementation problem has been approached from top-down (Pressman & Wildavsky, 1984), bottom-up (Lipsky, 1983), and third-generation perspectives (Goggin, Bowman, Lester, & O'Toole, 1990)—each with an eye toward the construction of public policies that administrators can accept and implement.

The advocacy coalition framework (ACF) also seeks to address the gap between formulation and implementation—indeed, it was created in an "effort to synthesize the best features of both 'top down' and 'bottom up' approaches to [the implementation] stage of the policy process" (Jenkins-Smith & Sabatier, 1994, p. 178)—by focusing on subsystem-level explanations for policy change. The essence of the ACF is that public policies and programs can be "conceptualized in the same manner as belief systems" because they reflect the values, priorities, and causal assumptions of their creators (Jenkins-Smith & Sabatier, 1994, p. 178; Weible, Sabatier, & McQueen, 2009). Furthermore, Sabatier andWeible (2007) recently described three "foundation stones" on which the ACF is constructed: (i) "a macro-level assumption that most policy-making occurs among specialists" who are affected by broader factors; (ii) "a micro-level model of the individual"; and (iii) "a meso-level conviction that the best way to deal with the multiplicity of actors in the subsystem is to aggregate them into *advocacy coalitions*" (pp. 191–92).

Both the argument that policies and programs are best conceptualized as belief systems and the three foundational stones—self-interested specialists working within subsystems—necessarily place agencies and their administrators at the center of advocacy coalitions because belief systems are largely articulated and maintained through administrative activity (Ellison, 1998a, 1998b). One shortcoming of the ACF, therefore, is that it fails to say straight-out that certain kinds of specialists and certain kinds of actors will necessarily dominate policymaking in subsystems by virtue of the sources of bureaucratic authority (Carpenter, 2001; Ellison, 1998a, 1998b;Wilson,

1978, 1989). These sources together—expertise, professionalism, constituency support, esprit-de-corps—contribute to agency autonomy, or the ability of managers in agencies, and their allies, to maintain jurisdiction over critical policy arenas (Carpenter, 2001; Wilson, 1978, 1989). These specialists, for example, include engineers in the U.S. Bureau of Reclamation (Bureau) and U.S. Army Corps of Engineers, biologists in the U.S. Fish andWildlife Service (FWS), and foresters in the U.S. Forest Service, who compete within subsystems to control decisions.

The Bureau's effort to construct the Animas-La Plata (ALP) project in southwestern Colorado provides one example of how administrators in advocacy coalitions manage information to control the policymaking process. In 1998, Ellison assessed the analytical utility of the ACF through a case study of the ALP project and implementation of the Endangered Species Act (ESA). At issue, in 1991, was the Bureau's ability to achieve a construction start on the project in the face of a draft jeopardy biological opinion, a finding by the U.S. FWS that ALP would harm the endangered Colorado pikeminnow. Ellison demonstrated how the distributive advocacy coalition within the policy subsystem was able to outperform regulatory interests through the domination of administrative process—although, as predicted by the ACF, only by conceding secondary aspects of their belief systems. Moreover, Ellison demonstrated that successful distributive advocacy coalitions must be anchored or supported with resources, access to institutions, and the capacity to deliver services by agencies capable of dominating administrative process because updating benefit–cost analyses, completing environmental impact statements, complying with the ESA, etc. have become the essence of distributive politics (Ellison, 1998a, 1998b).[1]

Today, although doomed in 1991, the $668 million dollar ALP project is near completion.[2] The purpose of this paper is to replicate Ellison's 1998 study and findings. Here we assess the analytical utility of the ACF by examining the stability of policy-producing coalitions over time in the context of the Bureau's struggle to build the ALP project in southwestern Colorado, and to demonstrate how agency competition dominates policy change in subsystems. This allows us to determine what has happened to a policy subsystem that is over 40 years old and to gauge the long-term stability of coalitions and their belief systems, as well as the degree of control over outputs. In the following sections, we will review the ACF and reintroduce the hypotheses used in the 1998 study, provide an updated ALP case study, assess the analytical utility of the hypotheses, and offer a discussion on the role of agencies in the ACF.

Revisiting the ACF

As noted above, the purpose of the ACF is to explain policy change, and subsequently to understand how advocacy coalitions come together to control policy subsystems. In the broad-ranging area of environmental policy, the ACF has been used extensively (Burnett & Davis, 2002; Elliot & Schlaepfer, 2001a, 2001b; Ellison, 1998a, 1998b; Kim, 2003; Leach & Sabatier, 2005; Litfin, 2000; Smith, 2000; Weible, 2005), probably because as Litfin (2000, p. 238) notes, "The ACF is ideally

suited to the analysis of environmental policy processes."[3] The ACF is constructed on four fundamental premises. First, the ACF contends that understanding policy change requires a time perspective of a decade or more in order to account for a full policy cycle (Jenkins-Smith & Sabatier, 1994, p. 178). Second, it argues that policy subsystems—collections of agencies, groups, politicians, and citizens with a stake in a particular policy arena—make the most useful unit of analysis for understanding policy change. Third, the ACF argues that there must be an intergovernmental dimension to policy subsystems. And fourth, "public policies or programs can be conceptualized in the same manner as belief systems, i.e., as sets of value priorities and causal assumptions about how to realize them" (Jenkins-Smith & Sabatier, 1994, p. 178; Mazmanian & Sabatier, 1989; Sabatier & Jenkins-Smith, 1993).

Like personal belief systems, the belief systems of political actors exist on several levels according to the rigidness to which they are held. Deep core beliefs exist at the top of the belief system and are resistant to change. They reflect fundamental ideas about politics and governing, such as liberal versus conservative or religious versus secular values (Weible et al., 2009). Policy core beliefs exist at the middle level and are the "glue" that hold advocacy coalitions together: Developers believe in development, free market conservatives are opposed to taxation, environmentalists support regulatory programs, etc. (Sabatier & Jenkins-Smith, 1999, pp. 7–8). Hence, policy core beliefs prescribe a bounded set of policy solutions to a given public problem. Finally, secondary aspects of belief systems go to the details of policy solutions and are the most susceptible to modification and adjustment (Jenkins-Smith & Sabatier, 1994; Sabatier & Jenkins-Smith, 1997; Weible et al., 2009).

The mechanics of the ACF work as follows: Actors within policy subsystems organize around shared belief systems into advocacy coalitions, which then vie for control of the subsystem and seek to dominate substantive policy and administrative outputs. The dependent variable in the ACF is policy change because the substance of policy and administrative outputs reflects the fortunes of different actors in the policy subsystem. Policy change can occur in four ways. First, external subsystem events, such as an election or an economic crisis, can force policy change (Zafonte & Sabatier, 2004; cf. Sabatier & Jenkins-Smith, 1988). Elliot and Schlaepfer's (2001a, 2001b) studies of forest certification in Sweden note that international events influence the policy subsystem. Similarly, building on 'tHart and Boin (2001) and Birkland's (2006) work on policy change following catastrophic events, Nohrestedt (2008) examines how the Chernobyl crisis influenced Swedish nuclear energy policy. Second, sometimes policy change is created when analysis—in the form of benefit–cost analysis, risk assessment, environmental impact analysis, efficiency created through better engineering, or other forms of feedback—has a heuristic effect on members of the subsystem. This is called policy-oriented learning (James & Jorgensen, 2009; Jenkins-Smith & Sabatier, 1994; Sabatier & Jenkins-Smith, 1997). Much of the ACF literature addresses policy-oriented learning whereby behaviors are influenced by new information and experience (Sabatier & Jenkins-Smith, 1999). Learning can help bolster coalition belief systems (Litfin, 2000; Meijerink, 2005;

Weible et al., 2009), although learning is also more likely to change secondary belief systems than primary ones (Ellison, 1998a, 1998b;Weible et al., 2009). Third, internal subsystem events may also cause policy change, such as when key members of advocacy coalitions leave the subsystem. This is not surprising given work by Munro (1993), Andersson (1999), and Zafonte and Sabatier, who note how members of the coalition may exit (Weible et al., 2009). Fourth, policy change can occur in response to alternative dispute resolution in which coalitions can sometimes safely work out differences (Weible et al., 2009).

The ALP case provides a good fit for the ACF assumptions: The policy change described occurred over a decade; the advocacy coalitions within the policy subsystem are relatively easy to identify; the case involves federal, state, local, and tribal governments and agencies; learning took place through a complicated process involving the acquisition of scientific, legal, and technical knowledge; and belief systems are apparent (construction or regulation of the project), with developers and regulators vying for control of the subsystem. Moreover, given that the project is near completion, we can reexamine it further along in the policy process than in Ellison's original study. We provide hypotheses in the following sections in order to address advocacy coalition stability, policy change, and policy-oriented learning.

Advocacy Coalitions

The ACF predicts that advocacy coalitions within policy subsystems will remain stable over a period of a decade or more (Jenkins-Smith & Sabatier, 1994; Mazmanian & Sabatier, 1989; Sabatier & Jenkins-Smith, 1993). We will begin by examining the coalitions and comparing them with those that dominated the subsystem in 1991.We would expect that the primary policy goals will remain stable provided there is stability among the coalition that initiated the policy, although it is possible that members of coalitions may exit the subsystem over time (Andersson, 1999; Munro, 1993; Zafonte & Sabatier, 2004). If coalition members leave the subsystem, it is possible that policy change may result. The key factor in examining policy change is whether or not the core belief systems are altered following the exit of coalition members. We borrow directly from the ACF to reexamine ALP:

> *Hypothesis 1: "On major controversies within a policy subsystem when policy core beliefs are in dispute, the lineup of allies and opponents tends to be rather stable over periods of a decade or so (Sabatier & Jenkins-Smith, 1997 [H1])."*

Policy Change

One critical advantage of the ACF is that it is able to account for sophistication and nuance in policy conflicts. In the ALP case study, for example, the solution to water problems in southwestern Colorado—whether water scarcity, water plentitude, water wars, endangered species protection, or Native American municipal and industrial water supplies—has always been construction of the project. The nuance, therefore, in the ACF is that it can account for advocacy coalition stability even if

external events seem to challenge relationships in policy subsystems. Hence, the resilience of core policy attributes reflects the stability of the relationships among advocacy coalitions:

> *Hypothesis 2: "The policy core attributes of a governmental program are unlikely to be significantly revised as long as the subsystem advocacy coalition which instituted the program remains in power" (Sabatier & Jenkins-Smith, 1997 [H4]).*

Given the substantial length of time from the inception of ALP to the present, we would expect some turnover in the members of the coalitions. Yet other members should be stable, resulting in little change in core policy attributes.

Policy-Oriented Learning

Policy-oriented learning is a key feature of the ACF literature and is more likely to occur during the types of technical disputes that dominate administrative processes. Policy-oriented learning requires that two or more coalitions have the technical capacity to participate in debate and occurs when secondary aspects of belief systems are in dispute (Litfin, 2000; Meijerink, 2005; Weible et al., 2009). Hence, we retest the following hypothesis:

> *Hypothesis 3: "Policy-oriented learning across belief systems is most likely when there is an intermediate level of informed conflict between two coalitions. This requires that: (a) each has the technical resources to engage in such a debate; and that (b) the conflict be between secondary aspects of one belief system and core elements of the other or, alternatively, between important secondary aspects of the two belief systems" (Sabatier & Jenkins-Smith, 1997 [H6]).*

About the ALP Case Study

The ALP case study has been constructed over the past 15 years through dozens of interviews with ALP stakeholders and site visits in Colorado and New Mexico (Ellison, 1998a, 1998b). There are two aspects of the case study that are critical to a deep, process-oriented analysis of this type of political activity: the narrative and the types of outputs that are examined. Although this is not a narrative analysis (Roe, 1994), understanding the story of the ALP project is essential to understanding process (Yin, 2008) in policy subsystems. For example, one important caveat of the story is that administrators in the Bureau of Reclamation spent years arguing for the project in the name of water scarcity and have now spent years arguing for the project in the name of water plentitude. Although this sounds improbable, these twists are made through administrative activities designed to implement environmental legislation. Hence, the case study has primarily focused on policy change in the content of administrative outputs. Section 7 consultations, artifacts of ESA implementation, were used for the 1998 analysis. This analysis is based on the 2000 Final Supplemental Environmental Impact Statement (FSEIS) for the Animas-La Plata project, an artifact of the National Environmental Policy Act (NEPA). In each of these

cases, legislation was passed to ratify administrative findings even though the findings contradicted themselves and were contrary to broader environmental protection objectives.

Pattern matching is used in this explanatory case study, in which the predicted outcomes, via ACF hypotheses, are compared with the actual outcomes (Yin, 2008). Testimonial data used for this paper were collected through 13 personal interviews conducted with project proponents and opponents—representing local, state, tribal, and federal agencies, elected officials, and environmental activists—on two research trips to Denver and Durango, Colorado, and Albuquerque, New Mexico, in May 2006 and March 2008.4 Documentary and archival data on the ALP project were collected during these trips at local, state, tribal, and federal agencies and online. Triangulation of data is used in this paper to support substantive points and to shore up internal validity in the case study (Stoecker, 1991; Yin, 2008). The interviews and sources above were used to determine coalition membership and information on policy-oriented learning and policy change.

The ALP Project and Settlement of Native American Water Rights

The initial purpose of the ALP project, proposed as early as 1904, was to move water from the abundant Animas River, which drains the San Juan Mountains and flows steeply through rock and crevice above Durango, Colorado, to the drier La Plata River where the land is flatter and more suitable for irrigated agriculture. Congress called for a feasibility report in 1956, delivered in 1966, which described ALP as a dam and reservoir high on the Animas River with a gravity flow diversion to the La Plata River. ALP was authorized for construction in 1968, along with the Central Arizona Project and four other Colorado water projects, in the Colorado River Basin Project Act (Decker, 1991; Ellison, 1998a, 2009).

Bureau engineers redesigned ALP in the 1970s in response to a variety of economic and environmental concerns. In 1979, the Bureau issued a Definite Plan Report for ALP that described a project in which water would be lifted hundreds of feet out of the Animas River for storage in a series of off-river reservoirs for eventual delivery via gravity flow to the La Plata River watershed (Bureau, 1979). Despite the redesign, Congress was not able to appropriate funds for ALP because it could not pass tests of economic feasibility and because a series of environmental problems had not been resolved (Decker, 1991; Ellison, 1999, 2009).

Meanwhile, in 1972, the Ute Mountain Ute Indians sued for adjudication and quantification of the water rights on their reservation. The water rights issues became truly contentious when the Southern Ute Tribe joined the lawsuit because most of the irrigable acreage and water on their reservation belongs to Anglo farmers who settled there or purchased the land after the reservation was opened to homesteading in 1899; the Ute Mountain Ute Tribe did not accept the federal government's land allotment program so their reservation belongs entirely to them. Hence, it is important to understand that for the most part, ALP is a reclamation project that was to be constructed for Anglo farmers on the Southern Ute Reservation, although irrigation

would have been extended to the Southern Ute and Ute Mountain Ute Tribes if constructed according to the original plans (Ellison, 1999, 2009).

As the lawsuit, taken up by the U.S. Department of Justice, wound its way through the court system, calls by the Carter and then the Reagan Administrations for nonfederal cost sharing forced project proponents to develop two agreements in 1986 that were designed to resolve both the Native American water rights claims and federal calls for cost sharing (U.S. Bureau of Reclamation, 1986). ALP would be constructed in two phases under the terms of the agreements. Phase one would include the economically justifiable pieces of the project and would be constructed and financed by the Bureau. Phase two would be paid for by the states and would be built on an indeterminate schedule. In exchange for quantification of their water rights on the reservations, water rights in the ALP and Dolores projects, and a $60 million tribal development fund, the Ute Mountain Ute and Southern Ute Tribes agreed to relinquish their water rights claims if phase one of ALP was completed by 2000. Congress ratified these agreements in the Colorado Ute Indian Water Rights Settlement Act of 1988 (PL 100–585).

The ESA requires that action agencies consult with the U.S. FWS when a project impacts an endangered or threatened species and when new information regarding those impacts becomes available. In May 1990, just as the Bureau was to begin construction on ALP, the Service determined that ALP would harm the endangered Colorado pikeminnow and issued a draft jeopardy biological opinion without a Reasonable and Prudent Alternative (RPA; Ellison, 1998a). This decision meant that the project would not go forward unless the Bureau and theFWScould develop a plan to allow both the project and the pikeminnow to coexist. After contentious negotiations, the FWS issued a final jeopardy biological opinion on ALP that did include an RPA. Two elements formed the heart of the seven-year timeline for the RPA: (i) The Bureau agreed to limit the construction of the ALP project to three initial features—Ridges Basin Reservoir, Durango Pumping Plant, and the inlet conduit—and to limit depletions from the Animas River to 57,100 acre-feet; and (ii) to spill three hundred thousand acre-feet of water from Navajo Reservoir to mimic the natural hydrograph for the benefit of the Colorado pikeminnow (U.S. Fish and Wildlife Service, 1991).

Both of these components were contentious because they violated the spirit of congressional intent for ALP and harmed the Navajo Nation, which had a prior claim on the water spilled from Navajo Reservoir (Ellison, 1998a, 2009; Gosnell, 2001). The implementing regulations for the ESA states that an alternative is reasonable and prudent if it can be implemented according to the intended purposes of a project, avoids jeopardy to the species, is within the agency's legal authority, and is economically and technically feasible (50 C.F.R. Part 402, Final Rule, *Federal Register*, June 3, 1986). The construction of these three initial features would not transfer water to the La Plata River or have an irrigation component. Perhaps most importantly, the Bureau did not do an economic feasibility analysis on the three features because they

would produce no benefits and represented only an incremental step in the construction of the entire project—a contention that is in clear violation of reclamation law and the implementing regulations for the ESA (Ellison, 1998a).

ALP and Implementation of the National EPA

With their project in disarray and under fire from a variety of groups and agencies, such as the Navajo Nation, the Bureau of Indian Affairs, the U.S. FWS, the U.S. EPA, etc., the Bureau reorganized. Bureau administrators authored yet another environmental impact statement—designed to justify a different purpose for theALP project—settled their issues with the Navajo Nation by promising to build a municipal pipeline for them, sought and earned reauthorization for the project in the Colorado Ute Settlement Act Amendments of 2000 (PL 106–554), and are nearly ready to fill the newly built and renamed Nighthorse Reservoir with water from the Animas River. Most impressively, this was done by eliminating project beneficiaries rather than adding them. The nearly complete $668 million ALP project does not provide a single drop of water to anyone, although it does store small amounts of municipal and industrial water for several water users who have no capacity to deliver municipal and industrial water, including 33,050 acre-feet of water for the Ute Mountain Ute and Southern Ute Tribes. Still, as improbable as this reads, Bureau administrators were able to do this without a water right for the project (Doe & Maynard, 2008).

The most important political variable that gave Bureau administrators the leverage they needed to seek reauthorization of ALP was the Colorado Ute Water Rights Settlement Act of 1988 (PL 100–585). This statute, as noted earlier, settled Native American water rights claims by establishing a 2000 construction deadline for ALP (Ellison, 1998a). Thus, as endangered species, scientific, and fiscal processes made it clear that this deadline would not be met, Secretary of the Interior Bruce Babbitt and Colorado governor Roy Romer created a process designed to resolve the ALP impasse in the mid-1990s. The Romer/Schoettler Process—also named after Colorado Lt. Governor Gail Schoettler—brought a variety of groups to the negotiating table—including several project opponents such as Earth Justice—and produced a justification for a scaled-down ALP-Lite with both structural and nonstructural components that could be used to meet the needs of the Ute Tribes. These components included, for example, the expansion of existing federal water storage facilities in the San Juan River Basin, water conservation proposals, and a fund for the acquisition of water rights (Marston, 1996).

Although a catalyst for change, Secretary Babbitt rejected the Romer/Schoettler proposal and instead entered a series of secret negotiations with the Ute Tribes and the project proponents (Doe & Maynard, 2008; Marston, 1996). The result of these negotiations was an ALP project that eliminated the irrigation component, included a municipal and industrial reservoir for the Ute Tribes, the Navajo Nation, and several special districts, provided a $40 million fund for the Ute Tribes to purchase water rights, and offered to construct the Navajo Nation Municipal Pipeline.

Included in the proposal—which came to be known as the *Administration proposal* in the environmental analysis—was a promise to subject the project to a "full environmental review, including a review of competing non-structural proposals to settle the Tribes' water rights claims" (Hayes, 2000, p. 3).

One fundamental problem that Bureau officials confronted in conducting a new environmental analysis of ALP was undoing decades of work that supported the argument that the purpose of the ALP project was irrigation. Indeed, the Bureau argued in the 1966 Feasibility Study, the 1979 Definite Plan Report, the 1980 Final Environmental Impact Statement, the 1991 Biological Opinion, the 1996 Final Supplement to the Final Environmental Impact Statement, and other administrative documents that the purpose of ALP was to bring irrigation water to the "dry side," or the La Plata River watershed; all of these administrative documents were ratified by Congress in various statutes (Ellison, 2009).

Three things needed to be done to address this argumentation problem. First, the Bureau had to eliminate the irrigation component without losing the project outright. Second, the Bureau needed to appease rival water users in the San Juan River Basin. And third, all of this needed to be sanctioned by Congress. At the heart of all these activities was the need to develop an environmental impact statement—in conjunction with the recommendations of the Romer/Schoettler process—that provided an administrative justification for a scaled-down ALP project and that gave the competing interests in the San Juan River Basin their due.

The environmental impact analysis gave Bureau officials the opportunity to eliminate the irrigation component and redefine the project. This redefinition of the project came in two parts. In the first part, Bureau officials brazenly noted that they were never able to prove that the project made sense from an environmental perspective despite all the administrative activity and studies on it. Indeed, in its 2000 Record of Decision, the Bureau stated that

> the original project was not constructed because this Department, and many other parties, raised serious concerns regarding the environmental consequences
> of building the project. These consequences included a large diversion from the Animas River which would violate Endangered Species Act (ESA) requirements and water quality impacts associated with a major new non-Indian project in the Four Corners region. (U.S. Bureau of Reclamation, 2000b, p. 1)

Although innocuous, this statement confirms that water-quality impacts—that is, the high selenium content in irrigation runoff from non-Indian farming, a longstanding issue for the Environmental Protection Agency (Lemly, 1997)—were an impediment to project construction.

Second, through the Record of Decision and related administrative documents,

Bureau officials maintained their obligation to Native American trust responsibilities, specifically the water rights claims of the Ute Mountain Ute and Southern Ute Tribes, and the constant threat of "extensive litigation" if these claims were not redressed (U.S. Bureau of Reclamation, 2000b). These contentions, along with the 2000 construction deadline established by the Colorado Ute Water Rights Settlement Act of 1988, produced the "purpose and need" for the new ALP project, which is the fundamental concept that drove the analysis for the environmental impact statement. The "purpose and need" of the ALP project was to

> implement the Settlement Act by providing the Ute Tribes an assured longterm water supply and water acquisition fund in order to satisfy the Tribes' senior water rights claims as quantified in the Settlement Act, and to provide for identified M&I needs in the project area. (U.S. Bureau of Reclamation, 2000a, vol. 1, chap. 5, p. 21)

The analysis in the new environmental impact statement focused on the assessment of various alternatives designed to address the Colorado Ute Tribes' water rights claims. These included the Administration Proposal at various reservoir levels, increasing the size of federal water facilities in the area, and nonstructural alternatives such as water leasing and the establishment of a fund to purchase water rights. These alternatives would be compared with the purpose and need and assessed along four dimensions: yield, reliability, location, and practicality. Yield refers to whether the project will provide "wet water" to the tribes, reliability refers to whether the alternative will be renewed by the hydrological cycle, location refers to whether water from the alternative will be "reasonably available" to the tribes, and practicability refers to whether the alternative is technically feasible (U.S. Bureau of Reclamation, 2000a).

These criteria ensure that only the administration proposal—the same project the Bureau hoped to build under the 1991 RPA—would be acceptable. Moreover, since the administration proposal defined ALP as a Native American water rights project, it became subject to the rules of the Indian Self Determination and Education Assistance Act (PL 93–638), which gives Native Americans a substantive stake in the nature of the public goods and services they receive from the United States. In this case, the effect of tribal participation in the administrative process was to give the Colorado Ute Tribes a veto over any alternative that did not meet their claims, which up-front did not include nonstructural alternatives, the expansion of existing facilities, or water leasing—i.e., the alternatives that were under consideration in the environmental impact analysis (U.S. Bureau of Reclamation, 2000b).

There were two additional problems that went to the Bureau's assessment of ALP as a municipal and industrial water supply for Native Americans, both of which were analyzed in the ALP Final Environmental Impact Statement: (i) finding demand for municipal and industrial water, and (ii) addressing the risks associated with changing water rights from irrigation to municipal and industrial. In the 2000 environmental impact analysis, the Bureau assessed municipal and industrial demand through an analysis of nonbinding water-use scenarios. These scenarios were purely speculative. The Bureau, for example, used data from the U.S. Census Bureau to calculate that the Native

American population on the reservations would increase from 3,287 in 1998 to 15,000 in 2100. The result of this strictly linear projection, Bureau officials argued, would be a future housing shortage and resultant demand for new municipal and industrial water on the reservation. Other scenarios included an industrial park scenario, recreation and tourism scenario, energy development scenario, livestock and wildlife development scenarios, and regional water supply scenario (U.S. Bureau of Reclamation, 2000a). Although serving as the basis for ALP, the Bureau noted that each of these scenarios was nonbinding and would require the construction of new structural components that would be subject to future NEPA review. The benefit of this nonbinding scenario approach, the Bureau contended, was that it "respects the Colorado Ute Tribes' sovereignty and protects their ability to allocate water in accordance with future needs consistent with federal law" (U.S. Bureau of Reclamation, 2000b, p. 3).

The second problem arose with respect to the nonstructural component of ALP as envisioned in the administration proposal alternative. Under the 1988 Settlement Act, the Colorado Ute Tribes were entitled to over seventy-nine thousand acre-feet of water. But because this water was for irrigation—which has a smaller return flow than municipal and industrial water—the entitlement was reduced to approximately 52,960 acre-feet, of which 39,960 acre-feet would be stored in Nighthorse Reservoir (U.S. Bureau of Reclamation, 2000a). The remaining thirteen thousand acre-feet will be acquired though the purchase of land and water rights on or near the reservations through the $40 million water acquisition fund established by the 2000 Colorado Ute Settlement Act Amendments (U.S. Bureau of Reclamation, 2000a). The problem, however, is that the purchase of land and water rights on a willing-seller/willing buyer basis, and the conversion of those water rights is no simple matter and may take 10–30 years to complete. The Bureau notes that the risks associated with this approach include but are not limited to the risk of availability of lands with senior water rights, the risk associated with estimating the rate of inflation of land prices, the risk associated with the assumption that there would be no disruption to market prices of land, and the risks of encountering higher costs resulting from a longer procurement period for land purchases (U.S. Bureau of Reclamation, 2000a). These risks must be added to the problem of converting fee simple farmland to Indian trust land, which will reduce local tax bases, and of course the problem of converting these water rights from irrigation to municipal and industrial in the Colorado water courts. Bureau officials warn:

> [s]everal legal considerations and constraints that may affect the change of irrigation water rights to M&I use, include but are not limited to . . . the need for court approval . . . the need to deal with numerous objectors . . . time required for change can be substantial . . . uncertainty of outcome. (U.S. Bureau of Reclamation, 2000a, vol. 1, chap. 2, pp. 2–16)

Hence, the administrative findings used to justify reauthorization of ALP were constructed on the argument that the Ute Mountain Ute and Southern Ute Tribes should settle their claims for the construction of a municipal and industrial water project for which there is no water right, no demand, and no capacity to deliver the

water. Furthermore, all this was to be done to avoid costly litigation over water rights—the costs of which were never determined. Based on these arguments, Congress reauthorized ALP in the Colorado Ute Settlement Act Amendments of 2000, which gave the Bureau the authority to construct, operate and maintain "a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply . . ."

Advocacy Coalitions

The ACF predicts that advocacy coalitions within policy subsystems will remain stable over a period of a decade or more (Jenkins-Smith & Sabatier, 1994; Mazmanian & Sabatier, 1989; Sabatier & Jenkins-Smith, 1993). We will begin by examining the coalitions and comparing them with those that dominated the subsystem in 1991.We would expect that the primary policy goals will remain stable provided there is stability among the coalition that initiated the policy, although it is possible that members of coalitions may exit the subsystem over time (Andersson, 1999; Munro, 1993; Zafonte & Sabatier, 2004). If coalition members leave the subsystem, it is possible that policy change may result. The key factor in examining policy change is whether or not the core belief systems are altered following the exit of coalition members. We borrow directly from the ACF to reexamine ALP:

> *Hypothesis 1: "On major controversies within a policy subsystem when policy core beliefs are in dispute, the lineup of allies and opponents tends to be rather stable over periods of a decade or so (Sabatier & Jenkins-Smith, 1997 [H1])."*

Policy Change

One critical advantage of the ACF is that it is able to account for sophistication and nuance in policy conflicts. In the ALP case study, for example, the solution to water problems in southwestern Colorado—whether water scarcity, water plentitude, water wars, endangered species protection, or Native American municipal and industrial water supplies—has always been construction of the project. The nuance, therefore, in the ACF is that it can account for advocacy coalition stability even if external events seem to challenge relationships in policy subsystems. Hence, the resilience of core policy attributes reflects the stability of the relationships among advocacy coalitions:

> *Hypothesis 2: "The policy core attributes of a governmental program are unlikely to be significantly revised as long as the subsystem advocacy coalition which instituted the program remains in power" (Sabatier & Jenkins-Smith, 1997 [H4]).*

Given the substantial length of time from the inception of ALP to the present, we would expect some turnover in the members of the coalitions. Yet other members should be stable, resulting in little change in core policy attributes.

Policy-Oriented Learning

Policy-oriented learning is a key feature of the ACF literature and is more likely to occur during the types of technical disputes that dominate administrative processes. Policy-oriented learning requires that two or more coalitions have the technical capacity to participate in debate and occurs when secondary aspects of belief systems are in dispute (Litfin, 2000; Meijerink, 2005; Weible et al., 2009). Hence, we retest the following hypothesis:

> *Hypothesis 3: "Policy-oriented learning across belief systems is most likely when there is an intermediate level of informed conflict between two coalitions. This requires that: (a) each has the technical resources to engage in such a debate; and that (b) the conflict be between secondary aspects of one belief system and core elements of the other or, alternatively, between important secondary aspects of the two belief systems" (Sabatier & Jenkins-Smith, 1997 [H6]).*

About the ALP Case Study

The ALP case study has been constructed over the past 15 years through dozens of interviews with ALP stakeholders and site visits in Colorado and New Mexico (Ellison, 1998a, 1998b). There are two aspects of the case study that are critical to a deep, process-oriented analysis of this type of political activity: the narrative and the types of outputs that are examined. Although this is not a narrative analysis (Roe, 1994), understanding the story of the ALP project is essential to understanding process (Yin, 2008) in policy subsystems. For example, one important caveat of the story is that administrators in the Bureau of Reclamation spent years arguing for the project in the name of water scarcity and have now spent years arguing for the project in the name of water plentitude. Although this sounds improbable, these twists are made through administrative activities designed to implement environmental legislation. Hence, the case study has primarily focused on policy change in the content of administrative outputs. Section 7 consultations, artifacts of ESA implementation, were used for the 1998 analysis. This analysis is based on the 2000 Final Supplemental Environmental Impact Statement (FSEIS) for the Animas-La Plata project, an artifact of the National Environmental Policy Act (NEPA). In each of these cases, legislation was passed to ratify administrative findings even though the findings contradicted themselves and were contrary to broader environmental protection objectives.

Pattern matching is used in this explanatory case study, in which the predicted outcomes, via ACF hypotheses, are compared with the actual outcomes (Yin, 2008). Testimonial data used for this paper were collected through 13 personal interviews conducted with project proponents and opponents—representing local, state, tribal, and federal agencies, elected officials, and environmental activists—on two research trips to Denver and Durango, Colorado, and Albuquerque, New Mexico, in May 2006 and March 2008.[4] Documentary and archival data on the ALP project were collected during these trips at local, state, tribal, and federal agencies and online. Triangulation of data is used in this paper to support substantive points and to shore up internal validity in the case study (Stoecker, 1991; Yin, 2008). The interviews and

sources above were used to determine coalition membership and information on policy-oriented learning and policy change.

The ALP Project and Settlement of Native American Water Rights

The initial purpose of the ALP project, proposed as early as 1904, was to move water from the abundant Animas River, which drains the San Juan Mountains and flows steeply through rock and crevice above Durango, Colorado, to the drier La Plata River where the land is flatter and more suitable for irrigated agriculture. Congress called for a feasibility report in 1956, delivered in 1966, which described ALP as a dam and reservoir high on the Animas River with a gravity flow diversion to the La Plata River. ALP was authorized for construction in 1968, along with the Central Arizona Project and four other Colorado water projects, in the Colorado River Basin Project Act (Decker, 1991; Ellison, 1998a, 2009).

Bureau engineers redesigned ALP in the 1970s in response to a variety of economic and environmental concerns. In 1979, the Bureau issued a Definite Plan Report for ALP that described a project in which water would be lifted hundreds of feet out of the Animas River for storage in a series of off-river reservoirs for eventual delivery via gravity flow to the La Plata River watershed (Bureau, 1979). Despite the redesign, Congress was not able to appropriate funds for ALP because it could not pass tests of economic feasibility and because a series of environmental problems had not been resolved (Decker, 1991; Ellison, 1999, 2009).

Meanwhile, in 1972, the Ute Mountain Ute Indians sued for adjudication and quantification of the water rights on their reservation. The water rights issues became truly contentious when the Southern Ute Tribe joined the lawsuit because most of the irrigable acreage and water on their reservation belongs to Anglo farmers who settled there or purchased the land after the reservation was opened to homesteading in 1899; the Ute Mountain Ute Tribe did not accept the federal government's land allotment program so their reservation belongs entirely to them. Hence, it is important to understand that for the most part, ALP is a reclamation project that was to be constructed for Anglo farmers on the Southern Ute Reservation, although irrigation would have been extended to the Southern Ute and Ute Mountain Ute Tribes if constructed according to the original plans (Ellison, 1999, 2009).

As the lawsuit, taken up by the U.S. Department of Justice, wound its way through the court system, calls by the Carter and then the Reagan Administrations for nonfederal cost sharing forced project proponents to develop two agreements in 1986 that were designed to resolve both the Native American water rights claims and federal calls for cost sharing (U.S. Bureau of Reclamation, 1986). ALP would be constructed in two phases under the terms of the agreements. Phase one would include the economically justifiable pieces of the project and would be constructed and financed by the Bureau. Phase two would be paid for by the states and would be built on an indeterminate schedule. In exchange for quantification of their water rights on the reservations, water rights in the ALP and Dolores projects, and a $60 million tribal

development fund, the Ute Mountain Ute and Southern Ute Tribes agreed to relinquish their water rights claims if phase one of ALP was completed by 2000. Congress ratified these agreements in the Colorado Ute Indian Water Rights Settlement Act of 1988 (PL 100–585).

The ESA requires that action agencies consult with the U.S. FWS when a project impacts an endangered or threatened species and when new information regarding those impacts becomes available. In May 1990, just as the Bureau was to begin construction on ALP, the Service determined that ALP would harm the endangered Colorado pikeminnow and issued a draft jeopardy biological opinion without a Reasonable and Prudent Alternative (RPA; Ellison, 1998a). This decision meant that the project would not go forward unless the Bureau and the FWS could develop a plan to allow both the project and the pikeminnow to coexist. After contentious negotiations, the FWS issued a final jeopardy biological opinion on ALP that did include an RPA. Two elements formed the heart of the seven-year timeline for the RPA: (i) The Bureau agreed to limit the construction of the ALP project to three initial features— Ridges Basin Reservoir, Durango Pumping Plant, and the inlet conduit—and to limit depletions from the Animas River to 57,100 acre-feet; and (ii) to spill three hundred thousand acre-feet of water from Navajo Reservoir to mimic the natural hydrograph for the benefit of the Colorado pikeminnow (U.S. Fish and Wildlife Service, 1991).

Both of these components were contentious because they violated the spirit of congressional intent for ALP and harmed the Navajo Nation, which had a prior claim on the water spilled from Navajo Reservoir (Ellison, 1998a, 2009; Gosnell, 2001). The implementing regulations for the ESA states that an alternative is reasonable and prudent if it can be implemented according to the intended purposes of a project, avoids jeopardy to the species, is within the agency's legal authority, and is economically and technically feasible (50 C.F.R. Part 402, Final Rule, *Federal Register*, June 3, 1986). The construction of these three initial features would not transfer water to the La Plata River or have an irrigation component. Perhaps most importantly, the Bureau did not do an economic feasibility analysis on the three features because they would produce no benefits and represented only an incremental step in the construction of the entire project—a contention that is in clear violation of reclamation law and the implementing regulations for the ESA (Ellison, 1998a).

ALP and Implementation of the National EPA

With their project in disarray and under fire from a variety of groups and agencies, such as the Navajo Nation, the Bureau of Indian Affairs, the U.S. FWS, the U.S. EPA, etc., the Bureau reorganized. Bureau administrators authored yet another environmental impact statement—designed to justify a different purpose for the ALP project—settled their issues with the Navajo Nation by promising to build a municipal pipeline for them, sought and earned reauthorization for the project in the Colorado Ute Settlement Act Amendments of 2000 (PL 106–554), and are nearly ready to fill the newly built and renamed Nighthorse Reservoir with water from the Animas River. Most impressively, this was done by eliminating project beneficiaries rather than adding them.

The nearly complete $668 million ALP project does not provide a single drop of water to anyone, although it does store small amounts of municipal and industrial water for several water users who have no capacity to deliver municipal and industrial water, including 33,050 acre-feet of water for the Ute Mountain Ute and Southern Ute Tribes. Still, as improbable as this reads, Bureau administrators were able to do this without a water right for the project (Doe & Maynard, 2008).

The most important political variable that gave Bureau administrators the leverage they needed to seek reauthorization of ALP was the Colorado Ute Water Rights Settlement Act of 1988 (PL 100–585). This statute, as noted earlier, settled Native American water rights claims by establishing a 2000 construction deadline for ALP (Ellison, 1998a). Thus, as endangered species, scientific, and fiscal processes made it clear that this deadline would not be met, Secretary of the Interior Bruce Babbitt and Colorado governor Roy Romer created a process designed to resolve the ALP impasse in the mid-1990s. The Romer/Schoettler Process—also named after Colorado Lt. Governor Gail Schoettler—brought a variety of groups to the negotiating table—including several project opponents such as Earth Justice—and produced a justification for a scaled-down ALP-Lite with both structural and nonstructural components that could be used to meet the needs of the Ute Tribes. These components included, for example, the expansion of existing federal water storage facilities in the San Juan River Basin, water conservation proposals, and a fund for the acquisition of water rights (Marston, 1996).

Although a catalyst for change, Secretary Babbitt rejected the Romer/Schoettler proposal and instead entered a series of secret negotiations with the Ute Tribes and the project proponents (Doe & Maynard, 2008; Marston, 1996). The result of these negotiations was an ALP project that eliminated the irrigation component, included a municipal and industrial reservoir for the Ute Tribes, the Navajo Nation, and several special districts, provided a $40 million fund for the Ute Tribes to purchase water rights, and offered to construct the Navajo Nation Municipal Pipeline. Included in the proposal—which came to be known as the *Administration proposal* in the environmental analysis—was a promise to subject the project to a “full environmental review, including a review of competing non-structural proposals to settle the Tribes’ water rights claims” (Hayes, 2000, p. 3).

One fundamental problem that Bureau officials confronted in conducting a new environmental analysis of ALP was undoing decades of work that supported the argument that the purpose of the ALP project was irrigation. Indeed, the Bureau argued in the 1966 Feasibility Study, the 1979 Definite Plan Report, the 1980 Final Environmental Impact Statement, the 1991 Biological Opinion, the 1996 Final Supplement to the Final Environmental Impact Statement, and other administrative documents that the purpose of ALP was to bring irrigation water to the “dry side,” or the La Plata River watershed; all of these administrative documents were ratified by Congress in various statutes (Ellison, 2009).

Three things needed to be done to address this argumentation problem. First, the

Bureau had to eliminate the irrigation component without losing the project outright. Second, the Bureau needed to appease rival water users in the San Juan River Basin. And third, all of this needed to be sanctioned by Congress. At the heart of all these activities was the need to develop an environmental impact statement—in conjunction with the recommendations of the Romer/Schoettler process—that provided an administrative justification for a scaled-down ALP project and that gave the competing interests in the San Juan River Basin their due.

The environmental impact analysis gave Bureau officials the opportunity to eliminate the irrigation component and redefine the project. This redefinition of the project came in two parts. In the first part, Bureau officials brazenly noted that they were never able to prove that the project made sense from an environmental perspective despite all the administrative activity and studies on it. Indeed, in its 2000 Record of Decision, the Bureau stated that

> the original project was not constructed because this Department, and many other parties, raised serious concerns regarding the environmental consequences of building the project. These consequences included a large diversion from the Animas River which would violate Endangered Species Act (ESA) requirements and water quality impacts associated with a major new non-Indian project in the Four Corners region. (U.S. Bureau of Reclamation, 2000b, p. 1)

Although innocuous, this statement confirms that water-quality impacts—that is, the high selenium content in irrigation runoff from non-Indian farming, a longstanding issue for the Environmental Protection Agency (Lemly, 1997)—were an impediment to project construction.

Second, through the Record of Decision and related administrative documents, Bureau officials maintained their obligation to Native American trust responsibilities, specifically the water rights claims of the Ute Mountain Ute and Southern Ute Tribes, and the constant threat of “extensive litigation” if these claims were not redressed (U.S. Bureau of Reclamation, 2000b). These contentions, along with the 2000 construction deadline established by the Colorado Ute Water Rights Settlement Act of 1988, produced the “purpose and need” for the new ALP project, which is the fundamental concept that drove the analysis for the environmental impact statement. The “purpose and need” of the ALP project was to

> implement the Settlement Act by providing the Ute Tribes an assured long term water supply and water acquisition fund in order to satisfy the Tribes’ senior water rights claims as quantified in the Settlement Act, and to provide for identified M&I needs in the project area. (U.S. Bureau of Reclamation, 2000a, vol. 1, chap. 5, p. 21)

The analysis in the new environmental impact statement focused on the assessment of various alternatives designed to address the Colorado Ute Tribes’ water

rights claims. These included the Administration Proposal at various reservoir levels, increasing the size of federal water facilities in the area, and nonstructural alternatives such as water leasing and the establishment of a fund to purchase water rights. These alternatives would be compared with the purpose and need and assessed along four dimensions: yield, reliability, location, and practicality. Yield refers to whether the project will provide “wet water” to the tribes, reliability refers to whether the alternative will be renewed by the hydrological cycle, location refers to whether water from the alternative will be “reasonably available” to the tribes, and practicability refers to whether the alternative is technically feasible (U.S. Bureau of Reclamation, 2000a).

These criteria ensure that only the administration proposal—the same project the Bureau hoped to build under the 1991 RPA—would be acceptable. Moreover, since the administration proposal defined ALP as a Native American water rights project, it became subject to the rules of the Indian Self Determination and Education Assistance Act (PL 93–638), which gives Native Americans a substantive stake in the nature of the public goods and services they receive from the United States. In this case, the effect of tribal participation in the administrative process was to give the Colorado Ute Tribes a veto over any alternative that did not meet their claims, which up-front did not include nonstructural alternatives, the expansion of existing facilities, or water leasing—i.e., the alternatives that were under consideration in the environmental impact analysis (U.S. Bureau of Reclamation, 2000b).

There were two additional problems that went to the Bureau’s assessment of ALP as a municipal and industrial water supply for Native Americans, both of which were analyzed in the ALP Final Environmental Impact Statement: (i) finding demand for municipal and industrial water, and (ii) addressing the risks associated with changing water rights from irrigation to municipal and industrial. In the 2000 environmental impact analysis, the Bureau assessed municipal and industrial demand through an analysis of nonbinding water-use scenarios. These scenarios were purely speculative. The Bureau, for example, used data from the U.S. Census Bureau to calculate that the Native American population on the reservations would increase from 3,287 in 1998 to 15,000 in 2100. The result of this strictly linear projection, Bureau officials argued, would be a future housing shortage and resultant demand for new municipal and industrial water on the reservation. Other scenarios included an industrial park scenario, recreation and tourism scenario, energy development scenario, livestock and wildlife development scenarios, and regional water supply scenario (U.S. Bureau of Reclamation, 2000a). Although serving as the basis for ALP, the Bureau noted that each of these scenarios was nonbinding and would require the construction of new structural components that would be subject to future NEPA review. The benefit of this nonbinding scenario approach, the Bureau contended, was that it “respects the Colorado Ute Tribes’ sovereignty and protects their ability to allocate water in accordance with future needs consistent with federal law” (U.S. Bureau of Reclamation, 2000b, p. 3).

The second problem arose with respect to the nonstructural component of ALP as envisioned in the administration proposal alternative. Under the 1988 Settlement

Act, the Colorado Ute Tribes were entitled to over seventy-nine thousand acre-feet of water. But because this water was for irrigation—which has a smaller return flow than municipal and industrial water—the entitlement was reduced to approximately 52,960 acre-feet, of which 39,960 acre-feet would be stored in Nighthorse Reservoir (U.S. Bureau of Reclamation, 2000a). The remaining thirteen thousand acre-feet will be acquired though the purchase of land and water rights on or near the reservations through the $40 million water acquisition fund established by the 2000 Colorado Ute Settlement Act Amendments (U.S. Bureau of Reclamation, 2000a). The problem, however, is that the purchase of land and water rights on a willing-seller/willing buyer basis, and the conversion of those water rights is no simple matter and may take 10–30 years to complete. The Bureau notes that the risks associated with this approach include but are not limited to the risk of availability of lands with senior water rights, the risk associated with estimating the rate of inflation of land prices, the risk associated with the assumption that there would be no disruption to market prices of land, and the risks of encountering higher costs resulting from a longer procurement period for land purchases (U.S. Bureau of Reclamation, 2000a). These risks must be added to the problem of converting fee simple farmland to Indian trust land, which will reduce local tax bases, and of course the problem of converting these water rights from irrigation to municipal and industrial in the Colorado water courts. Bureau officials warn:

> [s]everal legal considerations and constraints that may affect the change of irrigation water rights to M&I use, include but are not limited to . . . the need for court approval . . . the need to deal with numerous objectors . . . time required for change can be substantial . . . uncertainty of outcome. (U.S. Bureau of Reclamation, 2000a, vol. 1, chap. 2, pp. 2–16)

Hence, the administrative findings used to justify reauthorization of ALP were constructed on the argument that the Ute Mountain Ute and Southern Ute Tribes should settle their claims for the construction of a municipal and industrial water project for which there is no water right, no demand, and no capacity to deliver the water. Furthermore, all this was to be done to avoid costly litigation over water rights—the costs of which were never determined. Based on these arguments, Congress reauthorized ALP in the Colorado Ute Settlement Act Amendments of 2000, which gave the Bureau the authority to construct, operate and maintain “a reservoir, a pumping plant, a reservoir inlet conduit, and appurtenant facilities with sufficient capacity to divert and store water from the Animas River to provide for an average annual depletion of 57,100 acre-feet of water to be used for a municipal and industrial water supply . . .”

Advocacy Coalitions

In 1998, Ellison found that three primary coalitions were competing in the policy subsystem for control of the ALP project. These were a distributive coalition, anchored by the Bureau of Reclamation; a Native American water development coalition, loosely

held together by the Bureau of Indian Affairs; and an environmental protection coalition (largely regulatory), anchored by the FWS. Belief systems ranged from project construction (distributive) to Native American/water development (developmental) to concern for the environment (regulatory). Table A1 in the Appendix shows a lineup of the key members of each of these coalitions around the time of the passage of the Colorado Ute Indian Water Rights Settlement Act of 1988. In the 1991 contest over the construction of the RPA, the Bureau won out by conceding both secondary aspects of its belief system and its ability to dominate administrative process. The ACF predicts:

> *Hypothesis 1: "On major controversies within a policy subsystem when policy core beliefs are in dispute, the lineup of allies and opponents tends to be rather stable over periods of a decade or so (Sabatier & Jenkins-Smith, 1999 [H1]).*"

One of the most striking aspects of the ALP project is how we might categorize the project's proponents and opponents and how they are organized into coalitions since 1991. In general, proponents of ALP are elites: members of Congress with direct ties to the project, Secretaries of the Interior, administrators in the Bureau of Reclamation, the water conservancy and conservation districts that were created by the Colorado General Assembly to lobby for water projects with public funds, elected officials in Colorado, the Colorado Water Conservation Board, and tribal attorneys and some tribal leaders. Project opponents include members of the general public, concerned taxpayers, environmentalists, and independent analysts with expertise in economics or engineering. Although certainly not a scientific measure of public opinion, the testimony and written comments on the 2000 FSEIS reported in Volume 3a clearly supports the categorization of proponents and opponents as elite advocates for Native American water rights versus citizens worried about environmental and fiscal issues. These two groups form what might be called the distributive coalition and the regulatory coalition, respectively.

Both coalitions have lost members since 1991, however (see Table A2 in the Appendix). Most strikingly, for the distributive coalition, what is missing from the administrative processes that supported reauthorization of the project is any concern for the Anglo farmers who were set to receive the tens of thousands of acre-feet of water for irrigation under previous conceptions of ALP. Gone are the "dry-side" farmers of the La Plata River watershed, only to be replaced by the advocates of industrial parks, housing developments, and coal- and gas-fired power plants (U.S. Bureau of Reclamation, 2000a, vol. 1, chap. 2, pp. 117–23).

The farmers were replaced by Native Americans, who have struggled throughout American history for support from the U.S. government. This is the truism under which the ALP project has been constructed. But while the Bureau and its allies had been making this argument for some time, it was the Romer/Schoettler Process that brought broader legitimacy to the idea that a tribal water war in southwestern Colorado would be a disaster. Moreover, the process produced a justification for a scaled-down, municipal and industrial water project (Hayes, 2000; Marston, 1996; Pontius, 1997). The justification, essentially, was that settlement of the Ute Tribes' water rights was so

critical that all interests in the project were required to give up or reduce their claims as ALP went from a diversion of 191,230 to 57,100 acre-feet.

Moreover, as the size and scope of the project was reduced, the effect was to remove claimants, resolve problems by default, and hence eliminate effective opposition—meaning that agencies and participants with regulatory interests withdrew from the regulatory coalition. The U.S. Environmental Protection Agency's selenium concerns were eliminated when the irrigation component was removed from the project. The Navajo Nation became a supporter when it was given the Navajo Nation Municipal pipeline. Once the Native Americans in the San Juan River Basin, including the Jicarilla Apache, came together to support the project, Earth Justice (formerly the Sierra Club Legal Defense Fund), a longtime ALP foe, dropped its active opposition to the project because it did not want to be perceived as "anti-Indian" (Doe & Maynard, 2008). The success of the San Juan River Recovery Implementation Program—the agreement to spill water from Navajo Reservoir to benefit endangered fishes—placated the U.S. FWS (Brooks, 2008). Coordinated efforts by the Bureau and government lawyers from the Departments of Interior and Justice simply outspent local opponents, such as the Citizens Progressive Alliance, that challenged them in court (Doe & Maynard, 2008).

While it may seem that the Bureau and its allies lost this policy conflict since they were forced to settle for a project that delivers no actual benefits to farmers, municipalities, or Native Americans—no irrigation, no actual delivery of municipal and industrial water, and storage with no access for the tribes—it is the case that ALP is a political project that protects and preserves the policy core beliefs of the distributive coalition. By settling Native American water rights claims through the project, the Bureau was able to build a dam and reservoir and protect the Law of the River—the Colorado River Compact of 1922 and the collection of state statutes that implement it (Reisner, 1993). In other words, the only reasonable solution to the water rights claims of the Colorado Ute Indians was to change the law and allow interstate water marketing. By quantifying their water rights, for example, the Ute Tribes could simply sell their water downstream, without storage, to Las Vegas or California. This is an untenable prospect for those who control water resources management and development in the western United States because the system is constructed on state competition to store allocations under the Compact (Doe & Maynard, 2008; Seaholm, 2008). The construction of ALP therefore demonstrates the extraordinary steadfastness of the dominant coalition in the subsystem when policy core beliefs are in dispute and confirms previous findings.

Policy Change

The ACF theory predicts that policy core attributes are unlikely to be significantly revised as long as the governing coalition that built a program remains in power. External events, policy-oriented learning, internal events such as significant actors

leaving the subsystem, or alternative dispute resolution can affect subsystem dynamics and threaten the status of governing coalitions (Sabatier & Weible, 2007). In 1998, Ellison described how the Bureau used its prowess in administrative process and "Indians versus fish" rhetoric to maintain control of the subsystem in response to internal and external threats, affirming the AFC prediction:

> *Hypothesis 2: "The policy core attributes of a governmental program are unlikely to be significantly revised as long as the subsystem advocacy coalition which instituted the program remains in power" (Sabatier & Jenkins-Smith, 1997 [H4]).*

Since 1998, the policy core attributes of the ALP project have not been significantly revised. Indeed, the primary result of the 2000 FSEIS and the 2000 Colorado Ute Settlement Act Amendments is that the Bureau was authorized to construct the features it wanted to construct under the 1991 RPA—Ridges Basin Dam and Reservoir, the Durango pumping plant, and the inlet conduit—under significantly improved financial conditions for members of the coalition. This contention is supported by legislative action on the project. The Romer/Schoettler Process, for example, produced a piece of legislation that was introduced in the House of Representatives. The Colorado Ute Settlement Act Amendments of 1998 (105th Congress, S. 1771) is very similar to the act of 2000 because it would have authorized construction of the three initial features, but it did not include a $40 million fund for the tribes and also maintained the cost-share arrangements envisioned in the 1988 Colorado Ute Indian Water Rights Settlement Act. Hence, the 1998 bill would have required the San Juan Water Commission, the ALP Water Conservancy District, and the State of Colorado to put up $8.6 million, $4.4 million, and $16 million, respectively, for the project (105th Congress, S. 1771). Project proponents in the House and Senate seem to have let the 1998 bill die without a fight. Another bill on ALP was also introduced in the 105th Congress. H.R. 745, introduced by Representative Peter DeFazio, sought to "deauthorize the Animas-La Plata Federal reclamation project, and to direct the Secretary of the Interior to enter into negotiations to satisfy, in a manner consistent with all Federal laws, the water rights interests of the Ute Mountain Ute Indian Tribe and the Southern Ute Indian Tribe." This legislation failed to make it out of the House Subcommittee on Water and Power (HR 105–745).

In 2000, the primary sponsors of the new Colorado Ute Settlement Act Amendments, Representative Scott McInnis (R-Colorado) and Senator Ben Nighthorse Campbell (R-Colorado), addressed the flaws of the 1998 legislation: The Colorado Ute Tribes were given a $40 million fund to purchase water rights on the reservations, no cost share was required by non-Indian participants, and the Navajo Nation Municipal Pipeline was authorized for construction. Hence, with the support of the 2000 FSEIS—which redefined the project as a Native American water project—neither the State of Colorado nor local project proponents were expected to pay for it. Finally, in an effort to stop all future ALP development, Senator Russ Feingold introduced an amendment to the Colorado Ute Settlement Act that would have deauthorized the project under previous legislation (Amendment 4362). The amendment would have also required repayment of construction, fish and wildlife mitigation, and recreation costs by all non-Indian project participants. Senator Feingold's amendment failed to pass by a roll-call

vote of 56 to 34 (Congressional Record, 2000, p. S10985). Thus, the ALP project envisioned under the 1968 Colorado River Basin Project Act and the 1988 Colorado Ute Indian Water Rights Settlement Act is still authorized for construction.

Support of the 2000 Colorado Ute Settlement Act ensured that the federal government would pay for ALP. But the cost-sharing concept was just as critical to the 1988 ALP authorization as was the settlement of Native American water rights. As noted previously, the 1988 legislation ratified the 1986 cost-share agreement—demanded by the Reagan Administration—and the Colorado Ute Indian water rights settlement. This legislative feat, undoing the cost-sharing concept while simultaneously arguing that the 1988 Colorado Ute Indian Water Rights Settlement Act had not been implemented because the Bureau did not meet its 2000 construction deadline, was made possible and organized around the 2000 FEIS, which defined ALP as a Native American water project. Indeed, the 2000 Colorado Ute Settlement Act Amendments ratify the findings of the 2000 FEIS: "(10) Based upon paragraph (8), it is the intent of Congress to enact legislation that implements the Record of Decision referred to in paragraph (8)(F)." Even more importantly, in this context, Native Americans do not have to reimburse the federal government when irrigation projects are constructed for them under the terms of the 1932 Leavitt Act. Native Americans do, however, have to pay for operational expenses on municipal and industrial projects, which were deferred under the 2000 legislation.

Policy-Oriented Learning

In 1998, Ellison described how Bureau administrators were able to maintain control of the subsystem through administrative prowess in technical disputes with the FWS, although in the end they were forced to concede secondary aspects of their belief systems. Since 1991, however, Bureau administrators have been able to redefine the project and force their competitors to concede effective opposition to it. In effect, Bureau administrators have checked the possibility of policy-oriented learning across belief systems. The ACF theory predicts:

> *Hypothesis 3: "Policy-oriented learning across belief systems is most likely when there is an intermediate level of informed conflict between two coalitions. This requires that: (a) Each has the technical resources to engage in such a debate; and that (b) the conflict be between secondary aspects of one belief system and core elements of the other or, alternatively, between important secondary aspects of the two belief systems" (Sabatier & Jenkins-Smith, 1999 [H6]).*

Perhaps the most important evidence to support the contention that Bureau administrators were able to undo effective opposition is revealed in the agency's cynical response to demands for an economic feasibility study: Bureau administrators refused to assess economic feasibility while arguing that the project should be constructed to save money. How is this possible?

The Bureau touted in the Record of Decision that the cost of Refined Alternative

4 at $278 million was “less than half the cost [of the $700 million] associated with the ALP concept incorporated into the original settlement” (Bureau, 200b, p. 3). The Bureau updated its cost estimate in 2003 to $500 million and has maintained that figure as the project nears completion (Longwell, 2008; U.S. Bureau of Reclamation, 2003). There are a host of additional costs associated with the project that the Bureau does not systematically assess. For example, Bureau officials describe a variety of nonbinding water use scenarios that will require the construction of additional facilities before the water can be delivered, but they do not estimate the costs of those facilities (U.S. Bureau of Reclamation, 2000a, vol. 1, chap. 2, Map 2–8, pp. 2–119). As noted earlier, the Bureau contends that these scenarios are for analytical purposes only and are left open in order to protect the Ute Tribes’ sovereignty and ability to make decisions in the future. But these facilities will be part of the ALP project and must be constructed before the Colorado Ute Tribes’ water is put to beneficial use.

Most interestingly, while the project is being constructed in order to avoid the “extensive litigation” that will occur if the Ute Tribes sue for adjudication of their federal reserve water rights, the costs of this litigation are never estimated. The Bureau contends that it is not possible to estimate these costs and that it is not required to do so under the Council of Environmental Quality guidelines that govern the implementation of the NEPA (U.S. Bureau of Reclamation, 2000a). The Bureau defends its position most eloquently in the General Comments & Responses section of the 2000 FSEIS, noting that while the intention of benefit–cost guidelines are to ensure that reclamation projects provide a “net benefit to national economic development,” the purpose of ALP is:

1. avoiding the direct and indirect *costs* of continued litigation;

2. resolving potential *damage claims* that tribes may bring against the United States for failure to protect trust resources or against other parties for interference with the tribes’ use of those resources;

3. acting in concert with the U.S. trust responsibility to Indian tribes; and

4. avoiding the *costs* associated with widespread displacement of non-Indian water users. (U.S. Bureau of Reclamation, 2000a, vol. 3a, p. GC-1; italics ours)

Once again, the Bureau maintains that the purpose of ALP is not to make a national investment but to avoid the “costs of litigation” and settle Indian trust responsibilities. But the authorities the Bureau cites in the 2000 FSEIS do not support this position. The Water Resource Council’s Economic and Environmental Principles and Guidelines—the fundamental criteria the Bureau uses to conduct benefit–cost analysis—does not include a concept that can be used to draw a distinction between Indian and non-Indian water projects (U.S. Water Resources Council, 1983). The Bureau also notes that it does not need to conduct an economic feasibility study under the terms of Secretarial Order no. 3215, the Secretary of the Interior’s policy regarding the discharge of Native American trusts responsibilities. But this policy

calls on Department of Interior officials to maintain sound management practices and does not relieve the Bureau of its financial responsibilities under reclamation law (U.S. Department of the Interior, 2000).

Additionally, Bureau officials cite President George H. W. Bush's policy regarding Indian water rights settlements, which urges agencies to avoid litigation when it comes to the settlement of Native American water rights claims (U.S. Department of the Interior, 1990). But this policy, like those previously cited, does not relieve the Bureau of its benefit–cost responsibilities. Indeed, the policy still requires that the Bureau estimate the value of litigation in order to calculate legal exposure, ensure that the value of the settlement does not exceed the costs of litigation, ensure that nonfederal parties to the settlement engage in appropriate cost sharing, ensure that settlements "promote economic efficiency on reservations and tribal self-sufficiency;" etc. (U.S. Department of the Interior, 1990). These analytical activities were not performed. This one-sided technical debate over the project's economics—a project that costs millions but delivers no water—occurred because the Bureau eliminated its capable competitors in the subsystem.

Discussion: The Role of Agencies in Advocacy Coalitions

The question that emerges from the previous section, however, is how Bureau administrators were able to get away with this. It should seem obvious to the casual observer that the benefit of the project is settlement of tribal water rights and that the value of that benefit must exceed $668 million in today's dollars. The answer is that there has been extensive criticism of the project and these administrative processes but that it has gone unheeded. Indeed, the Bureau published them in Volume 3 of the 2000 FSEIS. This volume is full of reasoned, analytical commentary on the project in the form of transcripted oral testimony and written reports. The Citizens Progressive Alliance—an organization representing local opposition to the project—noted that a benefit–cost analysis was not conducted, that a water right for the project did not exist, that nonstructural alternatives were not properly considered, etc. A host of other writers and commentators complained about the project's environmental harm. Indeed, Earth Justice in preface to a detailed, analytical brief on the FSEIS wrote:

> Many of these problems stem from one basic flaw. The Bureau clearly determined in advance that this [FSEIS] would find that Alternative 4 was the only practicable alternative, and that Alternative 6 was not a practicable alternative. As you are aware, Mr David Hayes of the Department of the Interior clearly stated that this NEPA process was intended to be used 'defensively', and that any analysis would demonstrate that the non-structural alternative would not work. Since the Bureau set out to find that a non-structural alternative would not work, that is what it found. That finding comes, however, at the expense of an analysis that comports with the law. (Earth Justice, Letter to Pat Schumacher, U.S. Bureau of Reclamation, 2000a, Volume 3)

Federal, state, and local agencies also provided comments—some, such as the EPA and the FWS, expressed mild concern—most of which were positive. Native Americans, including the Navajo Nation, also provided support for the project (U.S. Bureau of Reclamation, 2000b, vol. 3a and 3b).

What is clear is that effective opposition to the project ceased when federal agencies with regulatory interests in the project, namely the EPA and the FWS, were placated by Bureau administrators through concession of secondary aspects of their belief systems. FWS biologists wanted Bureau administrators to concede that rivers could be regulated to protect endangered species (Brooks, 2008). With that concession, the FWS dropped its opposition to the project. The EPA was concerned with selenium contamination to the river systems from irrigation return flows. Once Bureau managers dropped the irrigation component, the EPA dropped its opposition to the project. In both cases, the effect in the subsystem was that the regulatory coalition could no longer successfully oppose the distributive coalition. The regulatory coalition did not go away when the FWS and the EPA were placated—citizens' groups, academics, journalists, and environmental interest groups continued to oppose the project—but without a federal agency to anchor the coalition, it was much less effective because of lack of resources, organization, etc. (see Table A2 in the Appendix). Similarly, the old developmental coalition that was anchored by the U.S. Bureau of Indian Affairs was simply absorbed into the distributive coalition.

Likewise, it is important to note that agency allies in advocacy coalitions seem to be dispensable to agencies. The FWS seems to have had no allegiance to environmental interest groups and concerned citizens who supported it during conflicts with the Bureau over endangered species. The EPA did not provide continued support to project opponents after it was placated. Most importantly, the Bureau's ability to withstand the loss of irrigators as allies in the distributive coalition signals a significant change in reclamation politics. Indeed, none of the traditional supporters of reclamation—from the Colorado Water Conservation Board, to long-standing project proponents such as Senator Ben Nighthorse Campbell, to the local water conservation districts, to the Southern Ute and Ute Mountain Ute Tribes—bemoaned the loss of agriculture in ALP (Cone, 2008; Doe & Maynard, 2008; Longwell, 2008; Seaholm, 2008).

These insights lead us to suggest some refinements in the ACF. Federal agencies, specifically in distributive policy subsystems, provide both the anchors and support systems for the development and maintenance of belief systems. Furthermore, as creators and managers of belief systems, agencies with political, technical, and administrative prowess are needed to confront active opposition to coalition goals in policy subsystems over time.[5] When federal agencies provide the necessary support system—ample resources, similarities in core beliefs, expertise, etc.—the advocacy coalition is reinforced. However, advocacy coalitions that are not anchored by federal agencies are less capable of standing up for themselves in policy subsystems because they do not have adequate resources, access to political institutions, ability to control administrative process, or the capacity to deliver public goods and services. Thus,

successful advocacy coalitions are dependent on agencies for leadership and the maintenance of belief systems. Thus, we offer the following hypothesis:

> *Refinement 1: The policy core attributes of a governmental program are unlikely to be significantly revised if the subsystem advocacy coalition, which instituted the program, is anchored by a federal agency.*

Additionally, administrators provide the essence of advocacy coalition stability. This does not mean that legislators or elected executives do not have an influence on advocacy coalitions. But more often than not, legislators and elected officials are guided by administrative argumentation, which reflects both the need for efficiency in complex policy arenas and the ability of administrators to use political support to protect their jurisdictions. Thus, we hypothesize:

> *Refinement 2: Policy-oriented learning across belief systems is most likely when there is an intermediate level of informed conflict between two coalitions that are anchored by agencies.*

Conclusions

The Bureau of Reclamation will complete the ALP project because it controls the administrative processes that are essential to natural resources management decision making. The Bureau has spent at least $68 million over the past several decades on administrative and technical argumentation in support of the project, and Congress has continued to ratify those reports and analyses in successive legislative acts on ALP. The Bureau has also remained in control of the administrative processes that are essential to coalition success. By placating the EPA and the FWS in the NEPA process, for example, the Bureau eliminated administrative static and was able to speak to Congress more effectively. In the end, consistent with many theories of policy formulation, it took only a few key people to push for reauthorization and construction of the project, such as Congressional sponsors, key Colorado politicians, Bureau officials, and local supporters. Indeed, project proponents have become so brazen that U.S. Justice Department attorneys have audaciously maintained that ALP must be constructed because “Congress has spoken” (Doe & Maynard, 2008). These attorneys do not point out that the Colorado Ute Settlement Act Amendments of 2000 begin on page 258 (through 266) of a 710-page omnibus appropriations statute and is sandwiched between the Vietnam Education Foundation Act of 2000, which allows academic exchanges between the United States and Vietnam, and designation of the American Museum of Science and Energy in Oak Ridge, Tennessee. It is unlikely that any member of Congress who voted in favor of PL 106–554 knew the details of the bill.

The ALP provides an opportunity to use the ACF to examine the stability of policy-producing coalitions over time in the face of implementation complexities. By returning to this policy, we have been able to examine subsystem activity for an additional 10 years. This case study demonstrates how the distributive coalition—anchored by the Bureau of Reclamation—used the administrative process to defeat its

rivals in the policy process. After the policy supporting construction of ALP collapsed, the Bureau was able to build a new coalition to support construction of the project based on the settlement of Native American water rights. This offers insight into the role of bureaucratic agencies and their ability to coordinate and direct the policy process in the distributive policy arena and suggests that anchoring by federal agencies is beneficial to the advocacy coalition. As the Bureau was able to assuage concerns of the regulatory coalition, both the EPA and the FWS left the opposing coalition, leaving them without agency support. While we believe that anchoring is clearly advantageous in this case, and we believe this advantage is generalizable, we do recognize that this assertion is based on observations in a single policy arena. Perhaps an analysis of multiple policy subsystems would allow a more direct comparison of advocacy coalitions with and without anchoring of agencies.

The ACF predicts that advocacy coalitions within policy subsystems will remain stable over a period of a decade or more. In 1998, Ellison used the ACF to examine subsystem stability and the ALP project and found that the Bureau of Reclamation and the distributive coalition outmaneuvered their rivals in regulatory processes in order to secure approval of an RPA that was out of compliance with the ESA. Since 1991, the distributive coalition has remained dominant in the subsystem and has constructed the project, but not without conceding what might seem to be secondary aspects of its belief system. But to any scholar of reclamation, the concession of irrigation and the spill of hundreds of thousands of acre-feet of developed water in order to build a project with a 57,100 acre-foot diversion seem out of step. Could it be that reclamation is not a policy core belief for the Bureau of Reclamation and its allies? The answer is probably yes, not only because ALP is one of the last storage projects the Bureau will build but also because it has found new allies in the form of energy developers, Native Americans, and the builders of ranchettes.

This does not mean that the ALP case study is atypical of distributive politics and subsystem activity. It demonstrates the resiliency of the ACF and confirms previous findings. The distributive coalition—led by the Bureau—wanted to build the three initial features of the ALP project in 1991. As it became apparent that the policies supporting construction of those features, both the idea of building a large reclamation project and the legality of the RPA, were on the verge of collapse, the Bureau reorganized and sought a new policy that could be used to construct ALP. The Bureau accomplished this feat, as it had done many times in the past, via a new administrative process and through effective coordination with its allies (cf. Sabatier & Weible, 2007). Although the Bureau's argumentation was absurd—outrageously high legal exposure could be avoided through the construction of a project that does not provide water—neither of the lead agencies in the regulatory coalition opposed the new ALP because their core beliefs were satisfied: Irrigation has been eliminated and in-stream flows were protected. The departure of the EPA and the FWS from the subsystem left others with regulatory interests—concerned taxpayers, citizen environmentalists, muckrakers, and reformers—on their own.

So, how do we reconcile these absurdities? While politicians, the media, and the

public lambasted Alaska's bridge to nowhere, why is it that a water project that provides no water has been constructed? First, this example demonstrates how an executive agency can control the political process through administrative activity. The Bureau was able to effectively coordinate supporters and satisfy opposition. Members of the public and politicians are far less informed than agencies in complex natural resource management issues. Second, core beliefs may not be what they seem. The purpose of this project was to protect the Law of the River, the essence of western water development, not really to deliver tangible benefits from a dam and reservoir. Third, this is an example of adaptation on the part of coalition members. Contrary to cases where political actors are not adaptive, or even irrational (cf. Espeland, 1998), the ALP demonstrates how actors may concede certain goals, so long as their raison d'être is satisfied—in this case, construction of a water project.

Brian A. Ellison is a Professor of Political Science at Appalachian State University. His research and teaching interests include environmental politics and policy, natural resources management and intergovernmental relations. He has published articles on these areas of interest in *Natural Resources Journal, Policy Studies Journal, Administration and Society, International Journal of Public Administration, State and Local Government Review, Environmental Management, Publius: The Journal of Federalism, Policy Studies Review, Society and Natural Resources, American Review of Public Administration,* and *Public Administration Review*.

Adam J. Newmark is Associate Professor of Political Science at Appalachian State University. His research and teaching interests include public policy, state and local government, interest groups, and lobbying. He has published in journals including *The Journal of Politics, The Journal of Public Administration Research and Theory, State Politics and Policy Quarterly, Review of Policy Research, Social Science Quarterly, and Legislative Studies Quarterly*.

Notes

1. The terms "distributive" and "regulatory" are used throughout this manuscript to describe the coalitions involved in this policy arena. For further discussion, see Lowi (1964).

2. The Bridge to Nowhere, or the Gravina Island Bridge in Alaska, was expected to cost $398 million. We contend that the ALP project will cost taxpayers $668 million—a figure that is clearly too low given the Bureau's historical record at underestimating the costs of its projects (Reisner, 1993). Total costs include: $500 million to construct the project per the 2003 cost estimate; $68 million in sunk costs for planning, design, and administration; $49.5 million for economic development on the reservations via PL 100–585 and $10.5 million from Colorado (part of the 1988 water rights settlement); and $40 million to the tribes for the purchase of water rights via PL 106–554. These dollars have not been discounted for time and risk and sunk costs perhaps should not be included. The Bureau estimates that operations, maintenance, and replacement will total $1,591,000 per year, and much of that will go to the purchase the electricity needed to

pump water over 500 feet uphill from the Animas River to the reservoir. Water from the reservoir will then be released back into the Animas River.

3. For comprehensive reviews on the major contributions to the ACF literature, see Sabatier and Weible (2007) and Weible et al. (2009).

4. The W.C. Kenney Watershed Protection Foundation, Denver, Colorado, provided funding for this research.

5. This applies particularly to coalitions that are driven by agencies whose belief systems involve administration of projects that help justify their existence and maintain their share of resources (Downs, 1967; Niskanen, 1971). This was the case for the distributive coalitions.

References

Andersson, Magnus. 1999. *Change and Continuity in Poland's Environmental Policy*. Dordrecht, The Netherlands: Kluwer Academic Publishers.

Birkland, Thomas A. 2006. *Lessons of Disaster: Policy Change after Catastrophic Events*. Washington, DC: Georgetwon University Press.

Brooks, James E. 2008. Project Leader, U.S. Fish and Wildlife Service. Interview by Brian A. Ellison. March 12. Albuquerque, NM.

Burnett, M., and C. Davis. 2002. "Getting out the Cut: Politics and the National Forest Timber Harvests." *Administration and Society* 34: 202–28.

Carpenter, Daniel P. 2001. *The Forging of Bureaucratic Autonomy: Reputations, Networks, and Policy Innovation in Executive Agencies, 1862–1928*. Princeton, NJ: Princeton University Press.

Clark, Jeanne Neinaber, and Daniel McCool. 1985. *Staking out the Terrain: Power Differentials among Natural Resource Management Agencies*. Albany: State University of New York Press.

Colorado Ute Settlement Act Amendments of 2000. 114 Stat. 2763 (2000).

Cone, Steve. 2008. Citizens Progressive Alliance. March 13. Interview by author. Farmington, New Mexico.

Congressional Record. Senator Russell D. Feingold, 2000. S. AMDT. 4326 to S. 2508, To Improve Certain Provisions of the Bill.

Decker, John C. 1991. “Conflicts in the Department of the Interior: Water Projects, Indian Trust Responsibility, and Squawfish.” Paper presented at the Western Political Science Association Annual Meeting, Seattle, WA.

Doe, Phillip T., Chair, Citizens Progressive Alliance, and Alison Maynard, Attorney, Citizens Progressive Alliance. 2008, March 10. Interview by author, Denver, CO.

Downs, Anthony. 1967. *Inside Bureaucracy*. Santa Monica, CA: RAND Corporation.

Eisner, Marc Allen. 2000. *Regulatory Politics in Transition*. Baltimore, MD: Johns Hopkins University Press.

Elliot, C., and R. Schlaepfer. 2001a. “The Advocacy Coalition Framework: Application to the Policy Process for the Development of Forest Certification in Sweden.” *Journal of European Public Policy* 8: 225–48.

———. 2001b. “Understanding Forest Certification Using the Advocacy Coalition Framework.” *Forest Policy and Economics* 2: 257–26.

Ellison, Brian A. 1998a. “The Advocacy Coalition Framework and Implementation of the Endangered Species Act: A Case Study in Western Water Politics.” *Policy Studies Journal* 26: 11–29.

———. 1998b. “Intergovernmental Relations and the Advocacy Coalition Framework: The Operation of Federalism in Denver Water Politics.” *Publius: The Journal of Federalism* 28: 35–54.

———. 1999. “Environmental Management and the New Politics of Western Water: The Animas-La Plata Project and Implementation of the Endangered Species Act.” *Environmental Management* 23: 429–39.

———. 2009. “Bureaucratic Politics, the Bureau of Reclamation, and the Animas-La Plata Project.” *Natural Resources Journal* 49: 367–401.

Espeland, Wendy Nelson. 1998. *The Struggle for Water*. Chicago: The University of Chicago Press.

Goggin, Malcolm, Ann O’M. Bowman, James P. Lester, and Laurence J. O’Toole, Jr. 1990. *Implementation Theory and Practice*. Glenview, IL: Scott, Foresman/Little Brown.

Gosnell, Hannah. 2001. “Section 7 of the Endangered Species Act and the Art of Compromise: The Evolution of a Reasonable and Prudent Alternative for the Animas-La Plata Project.” *Natural Resources Journal* 41: 561–626.

‘tHart, Paul, and Arjen Boin. 2001. “Between Crisis and Normalcy: The Long Shadow of Post-Crisis Politics.” In *Managing Crises: Threats, Dilemmas, and Opportunities*, ed. Rosenthal Uriel, Boin Arjen, and Comfort Louise. Springfield, IL: Charles C. Thomas, 28–46.

Hayes, David J. 2000. “Statement of David J. Hayes, Deputy Secretary of the Interior, before the Senate Indian Affairs Committee on S. 2508” (June 7, 2000), 3.

Holden, Matthew, Jr. 1966. “ ‘Imperialism’ in Bureaucracy.” *The American Political Science Review* 60: 943–51.

Indian Self Determination and Education Assistance Act 88 Stat. 2203. 25 U.S.C. 450 et seq.

James, Thomas E., and Paul D. Jorgensen. 2009. “Policy Knowledge, Policy Formulation, and Change: Revisiting the Foundational Question.” *Policy Studies Journal* 37: 141–62.

Jenkins-Smith, Hank C., and Paul A. Sabatier. 1994. “Evaluating the Advocacy Coalition Framework.” *Journal of Public Policy* 14: 175–203.

Kim, Seoyong. 2003. “Irresolvable Cultural Conflicts and Conservation/Development Arguments: Analysis of Korea’s Saemangeum Project.” *Policy Sciences* 36: 125–49.

Leach, William D., and Paul A. Sabatier. 2005. “To Trust and Adversary: Integrating Rational and Psychological Models of Collaborative Policymaking.” *The American Political Science Review* 99: 491–503.

Lemly, A. Dennis. 1997. “Environmental Hazard of Selenium in the Animas-La Plata Water Development Project.” *Ecotoxicology and Environmental Safety* 37: 92–96.

Lipsky, Michael. 1983. *Street Level Bureaucracy*. New York: Russell Sage Foundation Publications.

Litfin, Karen T. 2000. “Advocacy Coalitions along the Domestic-Foreign Frontier: Globalization and Canadian Climate Change Policy.” *Policy Studies Journal* 28: 236–52.

Longwell, Barry. 2008. Deputy Construction Engineer Four Corners Construction Office. Interview by author. March 14. Durango, CO.

Lowi, Theodore, J. 1964. “American Business, Public Policy, Case-Studies, and Political Theory.” *World Politics* 16: 677–715.

Maass, Arthur. 1951. *Muddy Waters: The Army Engineers and the Nation's Rivers*. New York: Da Capo Press.

Mann, Dean E. 1975. "Political Incentives in U.S. Water Policy: Relationships between Distributive and Regulatory Politics." In *What Government Does*, ed. Mathew Holden, Jr, and Dennis L. Dresang. Beverly Hills, CA: Sage, 94–123.

Marston, Ed. 1996. "Cease-Fire Called on the Animas-La Plata Front." *High Country News* (November 11). [Online]. http://www.hcn.org/issues/93/2875. Accessed August 11, 2010.

Mazmanian, Daniel, and Paul A. Sabatier. 1989. *Implementation and Public Policy*. Lanham, MD: University Press of America.

McCool, Daniel. 1994. *Command of the Waters: Iron Triangles, Federal Water Development, and Indian Water*. Tucson: University of Arizona Press.

Meier, Kenneth J., and John Bohte. 2007. *Politics and the Bureaucracy: Policymaking in the Fourth Branch of Government*. Belmont, CA: Thomson Wadsworth.

Meijerink, Sander. 2005. "Understanding Policy Stability and Change. The Interplay of Advocacy Coalitions and Epistemic Communities, Windows of Opportunity, and Dutch Coastal Flooding Policy 1945–2003." *Journal of European Public Policy* 12: 1060–77.

Miller, Tim R. 1985. "Recent Trends in Federal Water Resource Management: Are 'Iron Triangles' in Retreat?" *Policy Studies Review* 5: 395–412.

Munro, John. 1993. "California Water Politics: Explaining Change in a Cognitively Polarized Subsystem." In *Policy Change and Learning*, ed. Paul Sabatier, and Hank Jenkins-Smith. Boulder, CO: Westview Press, 105–27.

Niskanen,William A. 1971. "Competition among Government Bureaus." *The American Behavioral Scientist* 22: 517–24.

Nohrestedt, Daniel. 2008. "The Politics of Crisis Policymaking: Chernobyl and Swedish Nuclear Energy Policy." *Policy Studies Journal* 36: 257–78.

Pontius, Dale. 1997, August. *Colorado River Basin Study, Final Report*. Report to the Western Water Policy Review Advisory Commission, Tucson, AZ.

Pressman, Jeffrey L., and Aaron Wildavsky. 1984. *Implementation*. Berkeley, CA: University of California Press.

Redford, Emmett S. 1969. *Democracy and the Administrative State*. New York: Oxford University Press.

Reisner, Marc. 1993. *Cadillac Desert: The American West and Its Disappearing Water*, Rev ed. New York: Penguin.

Roe, Emery. 1994. *Narrative Policy Analysis: Theory and Practice*. Durham, NC: Duke University Press.

Rourke, Francis E.. 1984. *Bureaucracy, Politics, and Public Policy*, 3rd ed. New York: Harper Collins.

Sabatier, Paul A., and Hank Jenkins-Smith. 1988. “An Advocacy Coalition Model of Policy Change and the Role of Policy-Oriented Learning Therein.” *Policy Sciences* 21: 129–68.

———. 1993. *Policy Change and Learning: An Advocacy Coalition Approach*. Boulder, CO: Westview Press.

———. 1999. “The Advocacy Coalition Framework: An Assessment.” In *Theories of the Policy Process*, ed. Paul A. Sabatier. Boulder, CO: Westview Press, 117–66.

Sabatier, Paul A., and Christopher M.Weible. 2007. “The Advocacy Coalition Framework: Innovations and Clarifications.” In *Theories of the Policy Process*, ed. Paul A. Sabatier. Boulder, CO: Westview Press, 189–220.

Seaholm, D. Randolph. 2008. Chief, Water Supply Protection, Colorado Water Conservation Board. Interview by author. May 10. Denver, Colorado.

Seidman, Harold, and R. Gilmour. 1986. *Politics, Position and Power: From the Positive to the Regulatory State*. New York: Oxford University Press.

Smith, Adrian. 2000. “Policy Networks and Advocacy Coalitions: Explaining Policy Change and Stability in UK Industrial Pollution Policy.” *Environmental Planning C: Government and Policy* 18: 95–114.

Stoecker, Randy. 1991. “Evaluating and Rethinking the Case Study.” *The Sociological Review* 39: 88.

Tullock, Gordon. 1965. *The Politics of Bureaucracy*. Washington, DC: Public Affairs Press.

U.S. Bureau of Reclamation. 1979. “Definite Plan Report: Animas-La Plata Project—Colorado and New Mexico.” Denver, CO: Author.

———. 1986. “Colorado Ute Indian Water Rights Final Settlement Agreement.” Denver, CO.

———. 2000a. “Animas-La Plata Project, Colorado-New Mexico, Final Supplemental Environmental Impact Statement.” Upper Colorado Region, Salt Lake City, UT.

———. 2000b. “Record of Decision, Animas-La Plata Project/Colorado Ute Indian Water Rights Settlement Final Supplemental Environmental Impact Statement.” Upper Colorado Region, Salt Lake City, UT.

———. 2003. “Animas-La Plata Project Construction Cost Estimates.” Report to the Secretary. Washington, DC: U.S. Bureau of Reclamation.

U.S. Department of the Interior. 1990. “Working Group in Indian Water Settlements; Criteria and Procedures for the Participation of the Federal Government in Negotiations for the Settlement of Indian Water Rights Claims.” 55 Federal Register 9223 (March 12, 1990).

———. 2000. *Principles for the Discharge of the Secretary’s Trust Responsibility*. Washington, DC: U.S. Department of the Interior.

U.S. Fish and Wildlife Service. 1991. “Final Biological Opinion for the Animas-La Plata Project, Colorado and New Mexico.” Denver, CO: Author.

U.S. Water Resources Council. 1983. *Economic and Environmental Principles and Guidelines for Water and Related Land Resources Implementation Studies*. Washington, DC: Author.

Weible, Christopher M. 2005. “Beliefs and Policy Influence: An Advocacy Coalition Approach to Policy Network.” *Political Research Quarterly* 58: 461–77.

Weible, Christopher M., Paul A. Sabatier, and Kelly McQueen. 2009. “Themes and Variation: Taking Stock of the Advocacy Coalition Framework.” *Policy Studies Journal* 37: 121–40.

Wilson, James Q. 1978. *The Investigators: Managing the FBI and Narcotics Agents*. New York: Basic Books.

———. 1989. *Bureaucracy: What Government Agencies Do and Why They Do It*. New York: Basic Books.

Yin, Robert K. 2008. *Case Study Research: Design and Methods*. London: Sage Publications.

Zafonte, Matthew, and Paul A. Sabatier. 2004. “Short-Term versus Long-Term Coalitions in the Policy Process. Automotive Pollution Control, 1963–1989.” *Policy Studies Journal* 32: 75–107.

Appendix

Table A1. Coalitions Competing for Control of the Animas-La Plata Project at Passage of the Colorado Ute Indian Water Rights Settlement Act of 1988

Traditional Distributive	Native American Developmental	Regulatory
U.S. Bureau of Reclamation	Bureau of Indian Affairs	U.S. Environmental Protection Agency
U.S. Representative CO District 3	Navajo Nation	U.S. Fish and Wildlife Service
U.S. Senate Colorado Delegation	Jicarilla Apache Tribe	Colorado Department of Game and Fish
U.S. Department of Justice		NM Department of Game and Fish
U.S. Department of the Interior; Secretary and Solicitor's Office		Earth Justice (Formerly Sierra Club Legal Defense Fund)
Colorado Water Conservation Board		Citizens Progressive Alliance (Durango)
Southwestern Water Conservation District		Taxpayers for the Animas River (Durango)
Animas-La Plata Water Conservation District		
Colorado General Assembly		
Area Farmers		
Southern Ute Tribe		
Ute Mountain Ute Tribe		

Table A2. Shift in Participants for Passage of the Colorado Ute Settlement Act Amendments of 2000

Traditional Distributive	Regulatory
U.S. Bureau of Reclamation	Citizens Progressive Alliance
U.S. Bureau of Indian Affairs	Environmental Interests
U.S. Fish and Wildlife Service	Academics
U.S. Representative CO District 3; Scott McInnis	Journalists
U.S. Senator Ben Nighthorse Campbell	
U.S. Department of Justice	
U.S. Department of the Interior; Secretary and Solicitor's Office	
Colorado Water Conservation Board	
Colorado General Assembly	
Animas-La Plata Water Conservation District	
Southwestern Water Conservation District	
Area Farmers	
Southern Ute Tribe	
Ute Mountain Ute Tribe	
Navajo Nation	
Jicarilla Apache Tribe	