

EVALUATING STAKEHOLDER INVOLVEMENT AND INFLUENCE IN THE DECISION-
MAKING PROCESS OF REINSTATING THE FLORIDA BLACK BEAR HUNT

by

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Abstract

As the incorporation of stakeholders in rulemaking becomes a more widely used practice, gaining a better understanding of what venues stakeholders use and their capacity to influence agency decision-making is crucial to ensure effective wildlife management. In 2015, the state wildlife agency of Florida, the Florida Fish and Wildlife Conservation Commission (FWC), reinstated hunting for the Florida black bear. The rulemaking process attracted widespread controversy because of a large subset of stakeholders who were vehemently opposed to the hunt. Using data from six interviews with FWC personnel and stakeholders, as well as public comments from three Commission meetings and documents including original, draft, and final rules related to bear hunting, this study analyzes the role that stakeholders played in the FWC's decision to reinstate the hunt for the Florida black bear. There were a great deal of opportunities for stakeholders to participate in the rulemaking, and stakeholders were generally aware of and satisfied with those opportunities. Modes of stakeholder participation included providing comments at public meetings, through the mail, by telephone calls, and online via webinars and e-mail. Some stakeholders also interacted with agency personnel in informal meetings throughout the process. Despite extensive opportunities for involvement, stakeholders did not believe that FWC meaningfully incorporated their input into the decision. Stakeholders claimed that other factors, such as powerful political actors and ulterior motives, were higher priorities for agency managers in making this decision. Stakeholders also believed that agency officials were not going to sway from their vision, regardless of the type or extent of public opposition. This thesis concludes with future research proposals to gain a better understanding of the factors that influence agency rulemaking.

Dedication

Yogi, Smokey, and
the multiple nameless
bears -- you know
who you are!

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Chapter 1: Literature Review
Agency Rulemaking, the Role of Stakeholders, and Human Dimensions of Wildlife

Introduction

Current literature indicates abundant information on stakeholder attitudes about certain wildlife species (Lees & Henderson, 1989; Lybecker, Lamb, & Ponds, 2002; Morse, Powell, & Sutton, 2012; Reading, Stern, & McCain, 2006; Zinn & Andelt, 1999) as well as agency management strategies (Licht, Odgen, & Chase, 2009; Luce, 2003; Van Pelt, 1999). However, there is a dearth of literature that connects stakeholders and their influence on an agency's decision-making. The capacity of stakeholders to influence agency rulemaking has not been widely studied, especially in the context of wildlife management. In some situations, stakeholders hold opposing viewpoints about a particular species which makes reaching an agreement on a common goal or priority for its management a challenge (Marshall et al., 2007). Where management agencies highly value the perspectives of stakeholders (Decker, Siemer, & Riley, 2012), agreeing on a common goal is a top priority for the agency if it wants to satisfy the concerns of the stakeholders (Koval & Mertig, 2004). Gaining an understanding of this dynamic is essential to better understand how stakeholders can influence an agency's policy process and outcomes.

This project will focus on a 2015 case in the state of Florida. Florida's population has grown tremendously in recent years, resulting in urban sprawl that has encroached on wildlife habitat. The Florida black bear, *Ursus americana floridanus*, a subspecies of the American black bear, has been significantly impacted by increased human development. The loss of habitat and the increase in the human population have both contributed to more frequent and severe interactions and conflicts between humans and bears. Bears are entering human developments

because they are drawn to poorly stored garbage, bird seed, dog food, and other attractants. These neighborhoods are also located in areas previously uninhabited by people where the bears used to roam freely (“Black Bear Behavior,” n.d.).

Florida’s state wildlife agency, Florida Fish and Wildlife Conservation Commission (FWC), historically held a hunt for black bears, but terminated it in 1994 (“Life Expectancy and Mortality,” n.d.). FWC proposed reinstating hunting in 2015 to help stabilize the large and resilient bear population (“Florida Black Bear,” n.d.). When FWC was planning to reinstate hunting, there was strong and widespread public opposition. Despite the public opposition, FWC approved the reinstatement.

This project uses data from the state wildlife agency in Florida during its policy process to reinstate hunting for the Florida black bear to evaluate the rulemaking process and outcome in relation to stakeholder participation. The study uses (1) interviews with agency personnel and stakeholders (Rubin & Rubin, 2005), (2) agency documents, (3) public comments from FWC Commission meetings, and (4) hunting rule changes (Miles & Huberman, 1994). These data allow for an in-depth case study (Yin, 2003) of the role of stakeholders in the FWC’s rule-making process for reinstating the hunt for the Florida black bear.

Arrangement of Thesis

Following this introduction is a section reviewing the existing literature on the human dimensions of wildlife, agency rulemaking, and stakeholder involvement and influence in agency rulemaking. Chapter 2 outlines the research design, methods used for data collection and analysis, and the rulemaking used as a case study by providing a background on rulemaking within FWC and the controversy surrounding the 2015 decision to reinstate hunting for the

Florida black bear. This thesis is formatted to allow for journal publication of the results. Accordingly, chapters 3 and 4 are arranged in traditional journal article format by presenting the literature and methods in addition to the results and discussion of the two research questions and sub-questions. Some redundancy is necessary, but is kept to a minimum. Finally, chapter 5 draws conclusions about the implications of the role of stakeholders and provides insight how to more appropriately and effectively incorporate stakeholders into agency decision-making in the context of controversial wildlife management. This chapter also recognizes the limitations of this study and provides recommendations for further directions of research regarding stakeholder participation in agency rulemaking.

Human Dimensions of Wildlife Management

Decker, Riley, and Siemer define human dimensions of wildlife management as:

“The guidance of decision-making processes and implementation of practices to influence interactions among people, and between people, wildlife, and wildlife habitats, to achieve impacts valued by stakeholders.” (2012, p. 3)

This definition highlights that wildlife management is governed by the values and experiences of stakeholders. In wildlife management cases, stakeholders can be any person or entity who has an interest or concern in the wildlife or human-wildlife interactions. It is essential to understand how interactions between social and ecological systems dictate human-wildlife interactions and their subsequent effects. The best way to identify and understand the impacts of a coupled sociocultural-ecological system is to engage the public in deliberations and management decisions (Decker et al., 2012).

Government agencies operate in the public's interest and the human dimensions of wildlife management is a useful guiding framework. Wildlife is a public trust resource¹ and therefore state government wildlife agencies are usually responsible for its management. The primary decision-makers within a wildlife agency are often commissioners and directors who are obligated to uncover stakeholders' values and needs and incorporate them into policies and regulations (Decker et al., 2012).

Wildlife management incorporates a variety of different elements including sociocultural, ecological, political, and economic components. A wildlife issue can rarely be addressed with a simple, easy solution. Wildlife management can be summarized as an iterative process that involves four major steps (Figure 1). These steps include developing objectives and actions, implementing actions through management, evaluating the effects, and achieving management outcomes. All stages of this process require research, monitoring, analysis, decision-making, and readjustment. In order to achieve the most appropriate and effective management approach, wildlife managers must consider the sociocultural, ecological, political, and economic factors and their interactions (Decker et al., 2012).

Incorporating human dimensions into wildlife management is important for several reasons. Management is inherently a social issue and therefore managers must include social factors in shaping objectives. Human dimensions can also help managers decide on a specific management approach because it incorporates factors that people value and accept. Finally, if stakeholders are included in management decisions, human dimensions can be an insightful way to help managers understand how stakeholders will respond. If a management action is expected to benefit only some stakeholders, human dimensions can assess trade-offs before managers

¹ A public trust resource can be defined as a commodity that is “managed for the common good, and held in custodianship by a cadre of trained professionals who serve as trustees and are held accountable by the beneficiaries, the public” (The Wildlife Society, 2010, p.10).

make a decision. These are all factors to ensure better governance and more effective wildlife management (Decker et al., 2012).

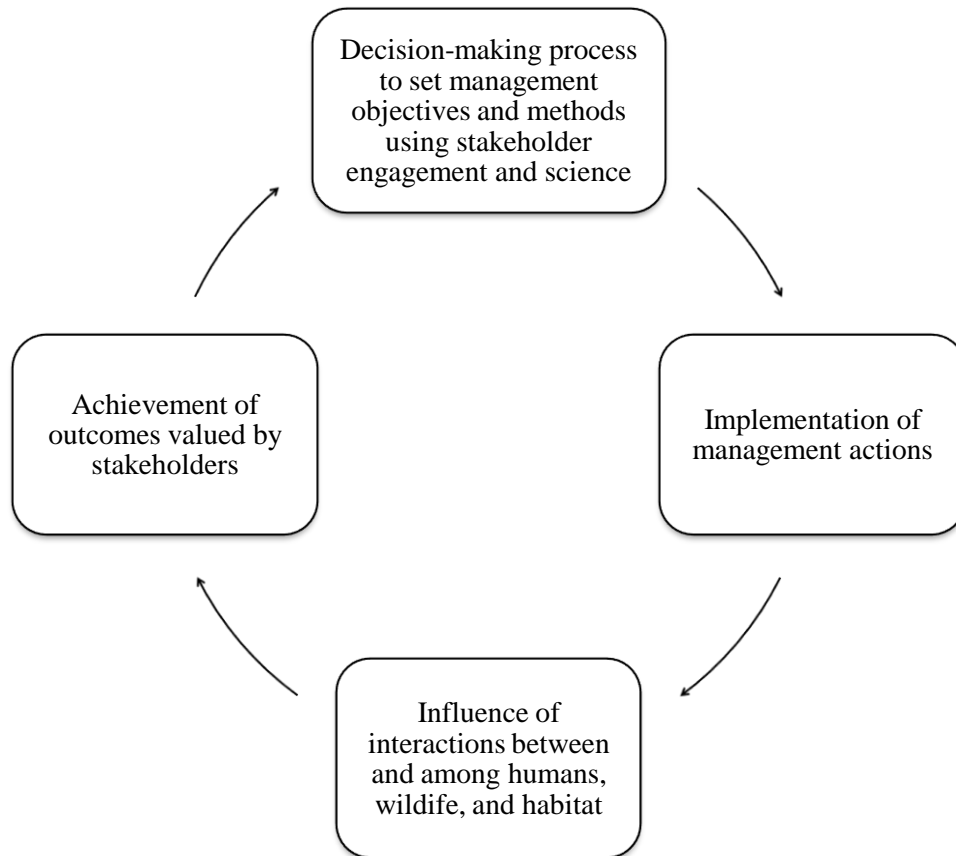


Figure 1: Steps of Wildlife Management (adapted from Decker, Siemer, & Riley, 2012)

Wildlife agencies are increasingly incorporating stakeholders in policy-making and conflict management (Jacobson, Wald, Haynes, & Sakurai, 2014). Managers are finding that they need to work more closely within the intersection of sociological and biological forces to better address the changing demands of humans related to wildlife. Strategies that integrate informed stakeholder input into implementation and evaluation are essential for effective rulemaking (Decker & Chase, 1997). Combining elements of public trust and good governance

can help produce a broad set of governance principles that are ecologically and socially responsible (Decker et al., 2015).

Wildlife conflict management does not always address the different concerns from relevant stakeholders. It is imperative to better understand wildlife conflict management and rulemaking to connect how a person's underlying values and perceptions interact with wildlife issues (Marshall et al., 2007). Improving biological and social understanding of the cause of human-wildlife conflicts can advance collaboration between the public and wildlife agencies to help develop a socially acceptable strategy to manage the conflicts (Lowery, Morse, & Stuery, 2012).

Agency Rulemaking and Stakeholder Involvement

In order to understand how agencies can incorporate good decision-making practices into their management, it is helpful to discuss rulemaking procedures. This chapter will explain how and why an agency incorporates stakeholders into their rulemaking and its application to wildlife management.

Inclusion of Stakeholders in Agency Rulemaking

Governmental agencies are responsible for developing and passing rules, and they often must make decisions that affect a variety of people. The people affected by these rules are referred to as "stakeholders," or "any group or individual who can affect or is affected by the achievement of the firm's objectives" (Frooman, 1999, p. 192). Stakeholders want agencies to consider their perspectives and priorities in the negotiation process and final decision. Public

agencies face the challenge of fulfilling their mandated duties while also satisfying the needs and concerns of the public (Beierle, 1998).

The National Research Council, a non-governmental organization dedicated to researching and developing reports that shape policies to advance science, found that public participation is a critical component of for agency rulemaking (1996). Public involvement ensures that citizens who have a stake in an agency decision are sufficiently informed in order to engage effectively in the process and that all relevant information is incorporated into the decision (NRC, 1996). Although public participation is an imperative component to agency rulemaking, agencies struggle with employing meaningful ways in which the public can be involved. Mechanisms that are often used include public hearings, formal comments, and citizen suits, all which may fall short in constructing a productive dialogue between an agency and the public (Beierle, 1998).

There are a variety of ways that agency managers incorporate public values into decision-making, where public values can include anything that people find important. First, managers can take a managerial approach in which elected representatives and appointed managers operate in the interest of the public (Laird, 1993). This approach does not allow for the public to be directly involved in the process because citizens do not directly act on their own behalf (Beierle, 1998). Second, managers can take a pluralist approach where the government is the negotiator for deliberations among various organized groups (Williams & Matheny, 1995). Third, managers can take a popular approach where the public is directly involved in rulemaking in a way that promotes democracy (Beierle, 1998). These three perspectives represent a broad spectrum of approaches to citizen involvement in agency rulemaking upon which specific tools can be used to address the following goals of stakeholder involvement.

Goals of Public Participation in Agency Rulemaking

Public participation has become a widespread practice in a variety of governmental and regulatory agency decision-making. Although public participation can have some negative impacts on the fluidity, length, and efficiency on a rulemaking process (Beierle, 1998), there are several benefits of including the public in rulemaking. Beierle and Cayford have set five social goals for public participation in an agency's decision-making process (2002). They are (1) incorporating public values into decisions, (2) improving the substantive quality of the decision, (3) resolving conflict among competing interests, (4) building trust in institutions, and (5) educating and informing the public. Each of these is explained below.

Often in decision-making, large and powerful parties with vested interests in the issue are the only stakeholders that are actively engaged in the agency's policy process. These "special interest" parties or "interest groups" encompass any joint group of people associated with a company, business, trade association, union, government, or public interest (Kerwin, 2003). The involvement of interest groups and their impact on agency rulemaking should be a focus of study of policy, politics, and public administration because of their power and strong public presence (Furlong & Kerwin, 2005). Furlong found that many interest groups held that participation in an agency's rulemaking is a key component of their lobbying (1997). These interest groups also believed that they influenced the agency's rulemaking (Furlong, 1997). Special interest parties tend to dominate public participation venues and can have a significant influence on a particular action or policy outcome. They can overshadow the general public which is a larger group but tends to be less organized. Agencies also should protect the overall public interest and not just the resource-rich companies. These powerful special interest parties can reap benefits that outweigh the costs to the public (NRC, 2008). By making an effort to draw in stakeholders that

do not have direct or financial interests into the decisionmaking process, agencies can work to counteract special interests. In this way, managers can develop a more balanced final decision in terms of stakeholder demands and concerns and be held accountable for their decision-making (Squillace, 2016).

In addition to counteracting strong, influential special interests, engaging a broad range of interested parties and stakeholders provides an opportunity for citizens to bring forward different types of information and ideas to help the agency make the most appropriate decision (Beierle, 1998). Individuals bring local knowledge to the forefront which may have been otherwise unknown, ignored, or discounted. Also, a spectrum of field experts can add information that may inform the agency of factors with which they had not previously been concerned (NRC, 2008). The combination of the expertise and knowledge from various narrow fields improves the substantive quality of the material an agency may use in its decision-making (Squillace, 2016).

A meaningful public process provides opportunities for stakeholders with competing interests and perspectives to interact with each other. This helps each stakeholder understand all of the interests, priorities, and motivations at play. If necessary, an agency can provide opportunities for collaborative discussions where stakeholders can respectfully voice their opinions and listen to others. Allowing conflicting stakeholders to communicate with each other may not necessarily help the agency reach a “good” decision, particularly since it may be challenging or impossible for all stakeholders to agree, this technique allows for a mutual understanding and respectful interaction among stakeholders which may prevent future conflicts and/or litigation (Irvin & Stansbury, 2004).

The public must also have a sense of trust in the agency to facilitate meaningful participation. This is not usually an inherent dynamic in citizen-agency relationships due to

citizen skepticism from past instances of agency mismanagement (Beierle, 1998). An inclusive, trusting relationship must be fostered by continued engagement with the public in a meaningful way, during both times of decision-making and day-to-day workings of the agency. If the public believes as if the agency handled the public participation in a fair, engaging way, they will attribute a greater sense of legitimacy to the agency. Trust can also be fostered in the transparency of an agency's actions. Even if an agency does not rule in a particular stakeholder's favor, if the public believes that they were heard and their opinions were taken into consideration, they will likely be more understanding and trusting of the agency in the future (Squillace, 2016).

Before agency managers can request and incorporate the opinion and perspectives of stakeholders into the decision-making process, they must ensure that the public is well informed about the issue. While managers cannot completely reduce uncertainties for any decision they make, they can provide a clear sense of the issues to participants for a better understand of the relevant issues (Steelman, 2001). Education creates an informed public whom can engage in meaningful deliberation by offering fact-based opinions and arguments. By understanding all facets of the deliberated issue, citizens can have constructive discussions and share knowledge with others who hold opposing viewpoints. An educated public is better equipped to understand and respect a decision even if does not completely align with their values (Beierle, 1998).

Agency Rulemaking Process

The informal federal rulemaking process in the United States involves two key stages: the pre-proposal phase and the notice/comment phase (5 U.S.C. §553). The pre-proposal phase involves informal interactions between the agency and stakeholders and is entirely optional for

federal agencies. Informal processes prior to the issuance of a draft rule can take the shape of informal meetings, consultation, or workshops (Crow, Albright, & Koebele, 2015). The second phase of informal rulemaking, the notice and comment phase, is when the public can submit comments on a proposed or amended rule which agency personnel must then review. The submitted comments often assist the agency in shaping the language and content of the final rule (Rinfret, 2011a).

The Administrative Procedure Act (APA) regulates this informal rulemaking process. It applies only to federal agencies (5 U.S.C. Subchapter II §551), but states adopt their own state-specific regulations that emulate the APA in terms of processes state agencies are required to take in rulemaking. Individual state administrative procedure acts vary substantially in the language and requirements for state agency rulemaking procedures (Funk, 1991). State administrative procedure acts also vary in the type and degree of opportunities for stakeholder involvement. Some states provide ample opportunities for stakeholder participation to influence the substance of a proposed rule, while other states provide fewer opportunities for stakeholder participation. Some states require that their agencies only submit a proposed rule to the state attorney general, while others involve several administrative steps before a rule may be implemented. The differences in state administrative procedure acts and degree of stakeholder involvement demonstrates the varying degrees of administrative constraints and discretion that state agencies have within their rulemaking power (Grady & Simon, 2002).

Mechanisms of Public Involvement in Agency Rulemaking

The ultimate goal of an agency's incorporation of the public into its rulemaking is to improve the quality, legitimacy, trust, and capacity of its decisions (NRC, 2008). Beierle

categorizes the ways in which stakeholders communicate with agencies during rulemaking into three groups on a spectrum (1998). The first category of communication between stakeholders and an agency is a one-way transfer of information from the public to the agency via mechanisms such as focus groups or surveys. This is a useful dynamic for stakeholders to inform agency decision-makers about their values and perspectives. The second category is also a one-way transfer of information, but the direction goes from the agency to the public in the form of public notices or publicly released information. This communication structure helps the agency educate the public on the issue, increases the transparency of the agency's operations, and facilitates trust in the agency. The third category is a two-way transfer of information where the agency and the public can inform the other in the form of citizen advisory committees or workshops. This open dialogue of exchange between the agency and stakeholders helps educate the public on the issue, incorporates the public's values and knowledge into the decision, improves the quality of the decision, and facilitates a sense of trust in the agency (Beierle, 1998).

All three mechanisms of agency-public interactions vary in the type of potential interaction among opposing interests, the type of public representation, the decision-making role of the public, and the type of information flow. The potential for interactions among stakeholders that hold opposing views can range from high in multi-stakeholder group mediation to no interaction in a survey conducted at home or online. The type of public representation can range from self-representation of citizens at a public hearing to a professional environmental organization representative at a negotiation. The public can have a direct role in decision-making in the case of mediation, no role in the case of a focus group, or somewhere in between (Beierle, 1998). The role that the public should take in decision-making can be determined by finding the

appropriate level on the spectrum of different approaches depending on the goals of management.

The Influence of Stakeholders on Rulemaking

Stakeholders who are involved in an agency's rulemaking process generally want to have some degree of influence or effect on the ultimate ruling. The literature on stakeholder involvement in rulemaking does not address the extent or degree of influence that the stakeholders actually have on the agency's management process and decision (Yackee, 2013). Interest groups have been found to be more influential than citizens in both the pre-proposal as well as the notice and comment phases of agency rulemaking. All interest groups are stakeholders, but not all stakeholders are interest groups. Stakeholders and the general public increasingly suspect that there is a greater capacity for them to influence agency rulemaking, but there has yet to be evidence of this influence (Rinfret, 2011a; Rinfret & Cook, 2014).

The need to uncover the influence of stakeholders on agency rulemaking is important in the case of wildlife agencies and their management of controversial wildlife species. Stakeholders may hold opposing viewpoints about a particular species and agreeing on a common goal or priority for its management is a challenge (Marshall et al., 2007). It is useful to understand how stakeholders can impact an agency's rulemaking process and in turn affect the management of wildlife resources.

In addition to interest groups' influence on agency rulemaking, other actors including the state legislature and the governor can be influential (Woods, 2009). Appointed agency actors, such as commissioners, are more likely to be influenced by outside parties (Rinfret & Cook, 2014). Informal interactions between agency personnel and stakeholders have the biggest

influence on the proposed rule (Rinfret, 2011a). Often, agency managers cannot, or will not, make changes to a rule once the agency has reached the notice and comment phase of rulemaking. It is critical for agencies to build a sense of trust with stakeholders during the pre-proposal phase since that is when the majority of the language and content of the rule is developed and the chance of influencing the process is greatest (Rinfret & Cook, 2014).

Summary

Stakeholders play an important role in agency rulemaking, especially in the context of controversial wildlife management decisions. It is imperative that agencies engage stakeholders in a meaningful way to incorporate public values into decisions, improve the substantive quality of the decision, resolve conflict among competing interests, build trust in institutions, and educate and inform the public (Beierle & Cayford, 2002). The human dimensions of wildlife management is a growing field in which wildlife managers need to incorporate more public input into decisions. By promoting meaningful stakeholder participation, agencies can mitigate conflicts among stakeholders and develop rules that are effective and meaningful in the long term. Next, Chapter 2 discusses the research design, methods, and case study on which this research is focused.

Chapter 2: Research Design, Data Sources and Analysis, and Case Study: Reinstating Hunting for the Florida Black Bear

The literature presented in the previous chapter focuses on the role of stakeholders in agency rulemaking. Federal agency rulemaking, upon which state agency rulemaking is modeled (Funk, 1991), can consist of the pre-proposal stage and the notice and comment stage, in which stakeholders have varying degrees of involvement (Rinfret, 2011a). Stakeholder participation in agency rulemaking can include, among other actions, providing public comment, attending public hearings, and participating in workshops (Beierle, 1998). By incorporating stakeholders into these steps, agency managers seek to improve the quality, legitimacy, trust, and capacity of their decisions (NRC, 2008). The literature emphasizes the multiple ways in which agencies have the option to invite public participation, but does not address how stakeholders actually utilize these mechanisms in state agency rulemaking. These themes serve as a literary foundation for the analysis of the case study used the research herein.

Research Design

To address the gap in the literature on the extent and influence of stakeholders on an agency's rule-making in a human dimension of wildlife management context, this study investigates the following research questions:

Research Question 1: To what extent are stakeholders involved in an agency's rule-making process in the context of controversial wildlife management decisions?

Research Question 2: What influence do stakeholders have on an agency's rulemaking process in the context of controversial wildlife management decisions?

Overview

The selected case study focuses on Florida's state wildlife agency, Florida Fish and Wildlife Conservation Commission's (FWC), rule-making process to reinstate hunting for the Florida black bear in 2015. This case was selected because FWC's decision to reinstate bear hunting attracted extensive media attention throughout the country. This was primarily because of extensive stakeholder involvement in the case and the agency ultimately decided to proceed with a hunt despite widespread public opposition. By operating in a wildlife management policy context, this case allows for an in-depth understanding of how stakeholders are involved in an agency's rule-making and the degree to which they can influence the regulatory process and outcome when a case garners extensive and widespread controversy.

Data Collection Methods

Data were collected from interviews with state wildlife agency personnel and stakeholders, agency documents, public comments, and state rules to address the research questions delineated above. Interviews were used to capture any form of communication or interaction between stakeholders and the agency personnel that may not be evident in the documents and to learn about their perspectives on the opportunity and receptiveness of the agency of stakeholder involvement. Agency documents were also used as a data source for the extent of stakeholder involvement in the agency decision-making process and were used to evaluate the decision-making process and outcomes in terms of stakeholder engagement. Public comments will be used to gauge stakeholder opinions regarding the issue in addition to measure the extent to which stakeholders used that as a way to participate. Original rules and the draft and

proposed amendments were gathered to analyze any significant changes made throughout the process while the agency received stakeholder input. Each data source is detailed below.

Interviews

Interviews were used because they provide a deep understanding of the subject matter by capturing detailed stories and experiences. “Depth is achieved by going after context; dealing with the complexity of multiple, overlapping, and sometimes conflicting themes; and paying attention to the specifics of meanings, situations, and history” (Rubin & Rubin, 2005, p. 35). The researcher conducted the interviews using Rubin and Rubin’s suggested semi-structured responsive method (2005). This method was chosen because of its flexibility to allow the interviewer to adjust questions and ask for clarifications, allowing for a more informal, fluid conversation. This approach helps to put the interviewee at ease instead of giving the impression that the interview is an interrogation, which is especially important when dealing with a controversial topic (Rubin & Rubin, 2005).

Three agency personnel and four stakeholders were interviewed about the type and extent of opportunity for stakeholder involvement, actual stakeholder participation, and satisfaction with the agency’s process and final decision. Two agency personnel provided a joint interview. All interviews (n=6), because of geographic limitations, were conducted via telephone and were recorded on a personal laptop with consent from the interviewees. The interview questions were designed to address the two research questions that were previously described. The interviews included questions on: (1) type and extent of stakeholder involvement (both available and actually utilized); and (2) satisfaction with the FWC’s policy process and management outcome. The questions asked of the interviewees will be presented in the results chapter as they relate to

each research question and the full questionnaire is presented in Appendix A. Few studies have made connections between stakeholder values, beliefs, and perspectives and involvement in agency management approaches and decisions (Marshall et al., 2007). Further, these interviews aim to analyze that connection from both the agency personnel's and stakeholders' perspectives.

Agency personnel that were interviewed had been selected from an online list of agency officials and were contacted via e-mail. Representatives from the various stakeholder groups who were actively involved in the decision-making process or expressed opinions and stakes in one or more meetings were identified from minutes of public meetings and were contacted via e-mail. The initial contact e-mail for all potential interviewees provided an explanation of the study and requested a phone interview since most of the subjects are located outside of the state in which the research was conducted. If the first person contacted from each stakeholder group did not respond, additional contact e-mails were sent to the next group. Snowball sampling was also used when the researcher had difficulty choosing potential interview subjects or the subjects were unreachable. Snowball sampling is a useful method where the researcher can begin with research subjects that are easy to make contact with and ask the subjects for recommendations (Auerbach & Silverstein, 2003).

Document Collection

All available documents related to the decision-making of the agency's decision to reinstate the Florida black bear hunt were gathered and analyzed. This included all management plans, management protocols, records of management decisions, and meeting agendas/minutes of agency and agency-related stakeholder groups from the time the hunt was first mentioned in

February of 2015 until after the hunt occurred in October 2015². All documents were accessed via the agency website. Original, draft, and final rules related to bear hunting were also collected to assess any changes that occurred during the rule-making process of this case with continued stakeholder involvement. Original hunting-related rules were obtained from Florida's Department of State website containing the Florida Administrative Code and Register. Draft and final rule amendments were obtained from the agency website. These data provide information specific to the stakeholder involvement in agency's decision-making process in the Florida black bear hunt case.

Public Comments

Minutes from the relevant Commission meetings (February, April, and June 2015) were obtained from the FWC website. The meeting minutes were used to access the paraphrased public comments given at those meetings. Audio recordings of the three Commission meetings were also obtained in the form of CDs received directly from FWC at the researcher's request. The tracks that contained the public comments on the bear hunting issue were outlined in a set list that accompanied each CD. The public comments provided information about which stakeholders participated and what their position was on reinstating the hunt. Only oral public comments were used in this research because of the lack of access to written public comments submitted during this case.

Data Coding and Analysis

Recorded interviews were transcribed in the format of "intelligent verbatim" which removes unnecessary filler words (e.g. "um," "er") but leaves the rest of the words unaltered.

² With the exception of the Bear Management Plan from 2012

This creates a more fluid reading of the interview which allows for better understanding. Interviews were coded using a systematic coding scheme to qualitatively analyze the study variables. Qualitative analysis was conducted using the software NVivo to maximize consistency of coding and analysis and to assess similarities and differences among stakeholders and variables (Miles & Huberman, 2013). A codebook for rule change analysis was developed based on the variables and data using Krippendorff's model (2004). This allowed the researcher to dissect the data to focus on the research questions.

The researcher developed eight super-codes that each contained between three and nine sub-codes to categorize quotes from the interviews. Super-codes represented broad scale themes and sub-codes represented more specific categorizations within their respective super-code. If any information from the interview did not match any particular sub-code, it was placed in the general super-code category. Intra-coder reliability was ensured by the researcher reading each interview transcript multiple times and focusing on each super-code individually (Krippendorff, 2004). See Table 1 for the list of codes that was used. Each interviewee was assigned an alphanumeric code that represented the type of interviewee (agency personnel or stakeholder) and the order in which the interviews were conducted. For example, the code (AG-2) corresponds to the first interview conducted with an agency official and the code (ST-02) corresponds to the second interview conducted with a stakeholder.

Using this coding scheme, the researcher was able to identify patterns in the data to determine mechanisms available to and used by stakeholders for involvement in the agency rulemaking process, the opinions of stakeholders regarding the rulemaking process and outcome, and the perception of the agency's incorporation of stakeholder input into its rulemaking. Additionally, patterns between the interviewed agency staff and stakeholders were analyzed for

inconsistencies in reported opportunity for stakeholder participation and reception of stakeholder input. An in-depth case analysis (Miles & Huberman, 2013) was conducted using these various data sources to formulate the findings in chapters 3 and 4.

Table 1: Coding Structure Used for Analysis of Interviews

Category	Super Codes	Corresponding Sub-Codes
1. Rulemaking Process	PROCESS	DRAFT, PREDRAFT, PUBHEAR, POLITIC, PUBOPIN, POSTRULE
2. Stakeholder Participation	STKINVOLV	PUBCOM, FORMMEET, INFORMMEET, PHONE, WEBCOM
	STKHLD	DIRECT, PERCEPT, LOBBY, INDEXP
3. Stakeholder Position on the Hunt	HUNTPOS	SUPP, OPP, COND
4. Stakeholder perception on Policy Process and Outcome	STKOPIN	OPPORT, RECEPT, FWCCOLLAB, COMPAR, OPPSATISF, DECSATISF

A different coding scheme was used to classify the types of changes made to the related rules from the initial version, to the rules with draft amendments, and to the rules with the finalized amendments. The rules were coded for type of changes such as technical/feasibility changes, changes in word choice/phrasing/numbering, or addition of information on the topic of regulation. Changes in word count were also measured between all three versions of the rules.

In addition to coding interviews and rule changes, qualitative coding of public comments was conducted for each of the three relevant Commission meetings in February, April, and June 2015. The comments were coded for general position on the hunt (pro-/anti-) and the type of group represented (environmental/hunting/animal rights/individual), and any notes on specific positions or recommendations were recorded.

Basic analytical statistical methods were used to analyze data to draw conclusions on the connection and influence of stakeholders on the FWC's decision-making process regarding Florida black bears. A chi-square test was conducted to determine if the proportion of a position on the hunt (pro- or anti-) was the same across stakeholder types. A t-test was conducted to compare the means of public comments given in support of the hunt and in opposition to the hunt at the three Commission meetings. These statistical tests help give meaning to the quantitative data used to answer the research questions presented above.

Case Study

To address the research questions presented earlier, the following case was used to investigate a real-life policy process. A case study helps to create an understanding of “complex social phenomena” through retaining a “holistic and meaningful characteristics of real-life events” (Yin, 2003, p. 2). More specifically, this project uses an in-depth analysis of a single case (Yin, 2003). This section outlines the structure of the FWC, the history of Florida black bear hunting, and the case and controversy surrounding the reinstatement of hunting in 2015. This narrative focuses on the hunting aspect of managing Florida black bears and does not address the other components that are part of bear management in Florida.

Florida Fish and Wildlife Conservation Commission

The Florida State Constitution establishes a panel of seven Commissioners within the FWC that is fully responsible for enacting regulations and rules regarding fish and wildlife in the state of Florida (“The Commission,” n.d.). Each Commissioner is appointed by the Governor of Florida and must be confirmed by the Florida State Senate. The Commissioner position is voluntary with a 5-year term, and each Commissioner represents the State as a whole, not any

particular geographic area. The Florida Constitution permits the Commission to operate independently from the legislature with the exception of the agency's budget (Florida Constitution, Article IV, Section 9). The Commission must abide by the Florida Open Meetings Law, commonly referred to as the Sunshine Law. This law dictates that the Commissioners must only discuss fish and wildlife issues in a public setting. The Commissioners are prohibited from privately communicating with each other on these issues, so all discussions and decisions are duly convened at public Commission meetings (Fla. Stat. sec 286).

Public Commission Meetings

The FWC Commissioners, in fulfilling their duty to establish rules and regulations to manage the state's fish and wildlife resources, meet five times a year in meetings that are open to the public. At these Commission meetings, staff present reports on various fish and wildlife issues and Commissioners consider rule proposals, finalize rules, and conduct other related tasks. Each public Commission meeting is held at a different location across Florida to give an equal opportunity for all of Florida's residents to attend the meetings ("Commission Meetings," n.d.). The public can give comments and testimony on items that are both listed and not listed on the agenda, which is released online prior to each meeting. Minutes are posted online after each meeting along with related news releases and photos ("The Commission," n.d.).

Rulemaking in FWC

Even though the Commission has the ultimate rule-making authority, there remains a deliberative process that can occur within FWC in the time leading up to a decision. Commissioners can bring up an issue at a public Commission meeting and direct staff to collect

information and present results to the Commission at a later date for further consideration. FWC staff can also bring forward issues and recommendations that they want the Commission to consider (AG-01, personal communication, September 16, 2016).

There are several divisions within the agency, including Habitat and Species Conservation and Hunting and Game Management. The directors of the various divisions work individually with the Commission as well as with the executive director. The division directors are heavily involved in the entire rule-making process by briefing Commissioners, providing information, and trying to guide them towards the appropriate decisions. The Commissioners will consider recommendations brought forth by agency staff, but they are not bound to a specific action. The Commission has the authority to opt for an alternative action and not adopt staff recommendations (AG-02, personal communication, September 28, 2016).

The first step of a new rulemaking occurs when FWC conducts a draft rule consideration at a public Commission meeting. This occurs after staff conducts legal work and research to ensure the next steps are appropriate and well-informed. At the Commission meeting for draft consideration, an FWC staff member makes a formal presentation about the issue and stakeholder input at that point. There is the opportunity for the public to give comments during that meeting as well as send e-mails or make phone calls at any time. The Commissioners then vote to pursue the issue at hand. If there is a consensus to pursue, staff members conduct additional outreach to collect more stakeholder input. Commission staff can then make small changes to the proposed regulation which is then presented at the following Commission meeting. A staff member gives an updated formal presentation, the public can once again give comments, and the Commissioners then have a discussion. Afterwards, there must be a motion, a

second, and then a majority vote to finalize the new rule(s) (AG-01, personal communication, September 16, 2016).

Reinstating Black Bear Hunting in Florida

The Florida black bear, *Ursus americana floridanus*, is a subspecies of the American black bear. There is an estimated bear population of approximately 4,000 individuals living in the state of Florida (Humm et al., 2016). Florida's human population has grown tremendously in recent years, resulting in urban sprawl that has been encroaching on bear habitat (Figure 2). The loss of habitat and the increase in the human population have contributed to increased instances of interactions and conflicts between humans and bears. Bears are entering neighborhoods because they are drawn to poorly stored garbage, bird seed, dog food, and other attractants. These neighborhoods are also located in areas previously uninhabited by people where the bears once roamed freely ("Black Bear Behavior," n.d.). There are several characteristics about bears that make them vulnerable to conflicts with humans. They have a wide range of habitats in which they live where forest clearing and road construction make human survival more challenging. Bear populations are becoming more isolated which further increases their vulnerability to extirpation (Schoen, 1990).

FWC first initiated a black bear hunt in 1936. FWC closed the hunting season in several areas in 1971 after a decline in the bear population, but allowed it to remain open on some national forest land. Bear hunting continued even as the Florida black bear was listed as "Threatened" in the state of Florida in 1974 (Garshelis, Scheick, Doan-Crider, Beecham, & Obbard, 2016). During the legal hunting seasons from 1981 to 1994, about 46 bears were killed each year. The hunting season ultimately closed in 1994 ("Life Expectancy," n.d.).

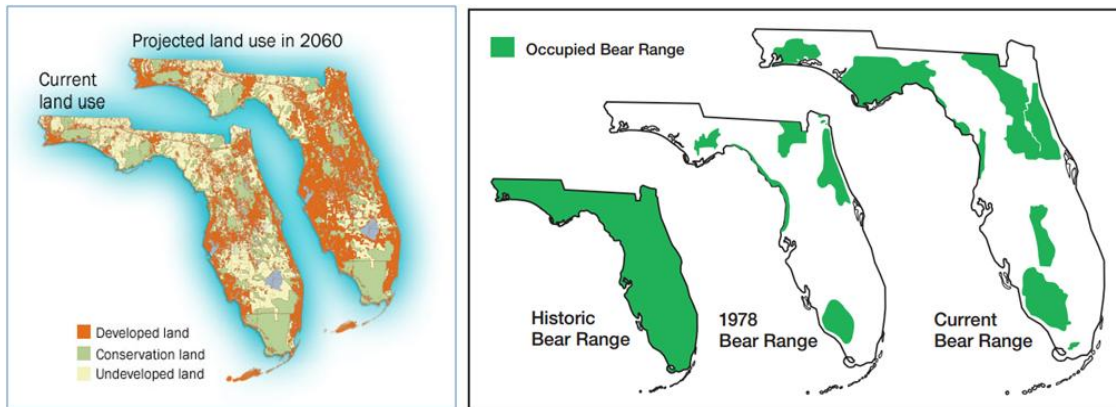


Figure 2: Current and Projected Land Use of Florida and the Historic and Current Florida Black Bear Range (“Florida Black Bear,” n.d.)

FWC also enacted regulations in its effort to reduce human-bear conflicts that have been on the rise. In 2002, FWC passed a regulation making feeding of bears illegal, both intentionally or unintentionally. FWC continues to recommend that residents take measures that discourage bears from entering neighborhoods such as keeping pet food indoors, keeping trash cans locked or using bear-proof containers, installing electric fencing, and scaring away any bears that enter yards with loud noises. However, because the human-bear conflicts became so prominent, with over 58,000 calls to FWC to report sightings or interactions with bears since 2000 (Figure 3), the FWC decided to bring back the hunt (“Florida Black Bear,” n.d.).

FWC proposed reinstating hunting in 2015 to help stabilize the large and resilient bear population (“Florida Black Bear,” n.d.). The agency set a harvest objective of 320 bears that could be hunted over a seven-day season. There were 207 bears killed on the first day of the hunting season and 304 were killed by the second day, closing the season for the remainder of the season (Funcheon, 2015).

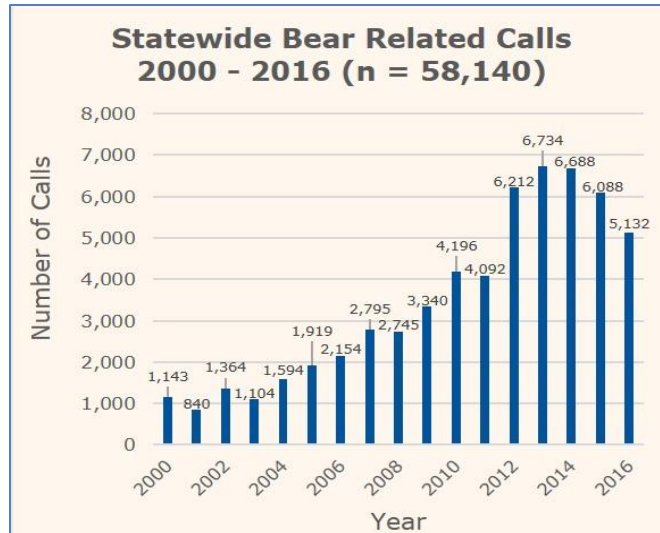


Figure 3: Bear-related Calls to FWC from 2000 to 2016 ("Bears by the Numbers" n.d.)

Timeline

This section details the course of events related to FWC’s decision to reinstate the hunt for the Florida black bear and is represented visually in Figure 4. FWC began the research to publish a management plan for the Florida black bear in 2010, as designated by Florida’s Endangered and Threatened Species Rule. This rule requires the development of a biological review and management plan for species listed as “Threatened” or “Species of Concern” in Florida. The Florida black bear was listed as a threatened species in Florida from 1974 until 2012 (Garshelis et al., 2016). The goal of the Florida black bear management plan is to “maintain sustainable black bear populations in suitable habitats throughout Florida for the benefit of the species and people” (“Management Plan,” 2012, p. v). The plan focuses on the following main objectives: maintaining a minimum number of bears in each of the seven bear sub-populations, encouraging mating between subpopulations to enhance genetic diversity, maintaining sufficient habitat to meet the population objectives, reducing human-bear conflicts, and promoting education of Floridians of black bears and their conservation (“Management Plan,” 2012). Upon

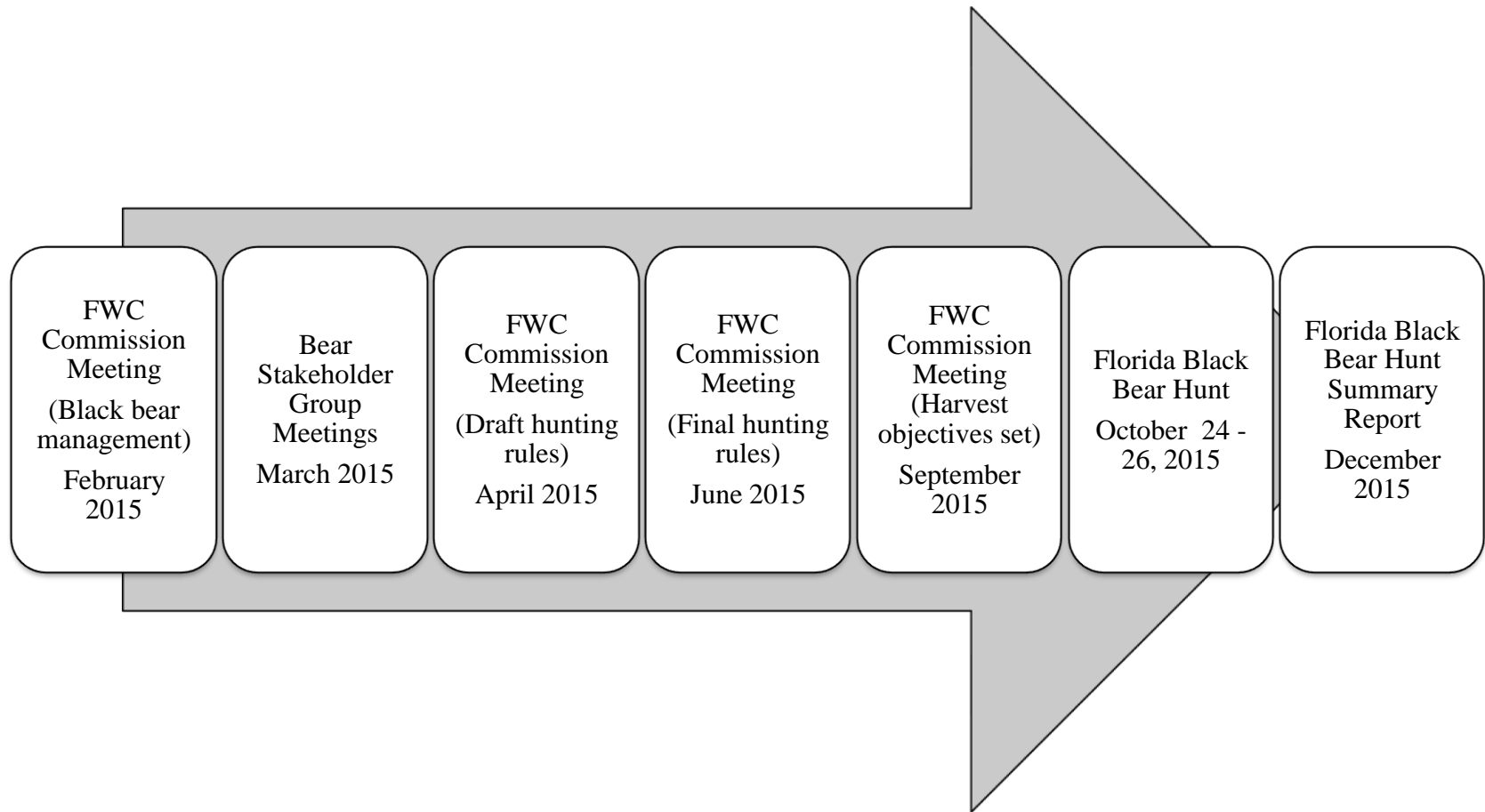


Figure 4: Timeline of Events Related to FWC's Decision to Reinstate the Hunt for the Florida Black Bear

review of the available data, FWC biologists recommended that the Florida black bear be removed from the state threatened species list while the plan was being written. The Commission approved this recommendation, but the delisting could not occur until the new management plan was approved. The draft plan was open to public comment from November 2011 to January 2012. FWC received more than 450 comments from stakeholder groups and individuals and over 2,000 form letters. FWC also hosted four workshops around the state to gather input from the public. The management plan was reopened for public comment from April to June 2012 and FWC received over 100 comments and 3,400 form letters. The plan was revised and finalized in June 2012, and the Florida black bear was removed from Florida's Threatened Species list ("Management Plan," 2012).

The 2012 Florida Black Bear Management Plan also mandated the establishment of seven Bear Management Units (BMUs) to separate management of each of the Florida black bear sub-populations. For each BMU, there is a Bear Stakeholder Group (BSG) that is responsible for providing information on the perspectives of people in that BMU about the bear population in that area to work towards mitigating human-bear conflicts and conserving the bear population. The first BMU, the West Panhandle BMU, was created in 2013. FWC held government briefings as well as public meetings on four different dates at four separate locations in October 2013. Government briefing attendees included city and county administrators and law enforcement officials from the counties incorporated in the area. Public meeting attendees included local citizens and media representatives. The aim of the public meetings was to provide information on the West Panhandle bear sub-population and gather information on public attitudes towards bears, willingness to secure attractants, and overall support of FWC actions ("Summary of West

Panhandle,” 2013). This same process was also completed for the creation of the South BMU in summer of 2014, the North BMU in the fall of 2014, the South Central BMU in October 2014, the East Panhandle BMU in May 2014, the Central BMU in March 2014, and the Big Bend BMU in December 2014.

FWC’s Rulemaking Process of Reinstating Hunting for the Florida Black Bear

Because of Florida’s Sunshine Laws, all discussion and decisions made about reinstating the hunt for the Florida black bear by the FWC occurred at public Commission meetings. There were three meetings from the time when the idea was first proposed to the Commission’s final ruling on the hunt. Using the meeting minutes, each Commission meeting from that time period is detailed below and summarized in Table 2.

February 2015 Commission Meeting

The Commission meeting in February 2015 was the first at which the consideration of reinstating the hunt for the Florida black bear occurred. The Director of Habitat and Species Conservation, Dr. Thomas Eason, gave a presentation to the Commission that included updates on the current status of research and management efforts for Florida black bears. This presentation focused on Florida black bear management as a tool kit, citing increasing human-bear conflicts as a result of a growing bear population. The number of calls to FWC reporting bear sightings or interactions also had been increasing (Figure 3). Dr. Eason attributed this to several factors, including higher density of human development adjacent to and in natural bear habitat and a more informed public regarding bears and reporting opportunities. The ultimate goal of FWC’s management of bears is to coexist with bears and minimize any human-bear

conflicts. Dr. Eason also showed targeted dates for updated population estimates for each of the seven bear sub-populations in Florida. All estimates were expected to be completed by the fall of 2016 (Eason, 2015).

Noting that 32 out of 41 states in the U.S. that have resident black bear populations allow hunting, Dr. Eason proposed an initial plan for FWC to incorporate hunting as a management strategy for Florida black bear conservation. Bear populations can withstand up to 20 percent yearly mortality without experiencing a negative effect on their collective health. Therefore, a proposed hunt would limit mortality of any sub-population to 20 percent or less, while also protecting females with cubs and bears weighing less than 100 pounds. The harvest objectives for each BMU would be set using the 2002 population estimates, the most recent data available and would ensure a conservative approach. Dr. Eason clarified that a hunt would not likely significantly reduce human-bear conflicts, but would likely help manage the bear population (Eason, 2015).

Following Dr. Eason's presentation, the public provided comments regarding Florida black bear management. After the public testimony, the Commissioners discussed that managing human-bear conflicts is a separate issue from bear hunting. The Vice Chairman of the Commission recommended to FWC staff to continue with drafting language for a hunt to present at the next meeting in April and was supported by Commissioner Priddy. Other Commissioners were concerned about not having updated data to develop hunting guidelines, even though Commissioner Priddy stated that the current science shows rather conservative estimates for the Florida black bear population. FWC Executive Director, Nick Wiley, confirmed that draft rules for a proposed black bear hunt would be presented at the next Commission meeting (Florida Fish and Wildlife Conservation Commission, 2015a).

Table 2: Details of Events at the FWC Commission Meetings where Bear Hunting was an Agenda Item

Commission Meeting	Action	Staff Presenter	Major Concerns	Commission Discussion
February 2015	Consideration of a hunt	Dr. Thomas Eason, Director of Habitat and Species Conservation	<ul style="list-style-type: none"> - Increased human-bear conflicts as a result of a growing bear population - Anticipating updated bear population estimates in 2016 - A hunt could be used to manage the bear population if done sustainably - Adjust bear feeding and harassment rules 	<ul style="list-style-type: none"> - Human-bear conflicts is a separate issue from bear hunting - Should improve public education - Efforts to secure trash - Concern about outdated bear population estimates to set hunting harvest objectives - FWC to hold workshops and meetings with other agencies to develop these changes - Staff ordered to present draft hunting rules at the next meeting
April 2015	Draft bear hunting rules proposed	Diane Eggeman, Director of Hunting and Game Management	<ul style="list-style-type: none"> - Hunting is an effective population management tool - 5 or 7 day hunting season - FWC will hold public webinars and stakeholder meetings in each BMU - Public can submit comments - Arguments in support of the hunt: populations are large enough to sustain some take, may reduce human-wildlife conflicts, restore hunting tradition in Floridian youth 	<ul style="list-style-type: none"> - FWC staff recommended approval - Logistics of check stations, permit fees, population estimates, and public education - Commission approval for a 7-day hunt with early termination if harvest objectives are met early
June 2015	Final bear hunting rules proposed and approved	Diane Eggeman, Director of Hunting and Game Management	<ul style="list-style-type: none"> - 20% of subpopulations set as harvest objectives for each BMU open to hunting - Hunting effectively manages the bear population, reduces human-bear conflicts, and contributes to sustainable recreation 	<ul style="list-style-type: none"> - Discussed the use of hunting as a conservation tool, the updated sub-population estimates, education and outreach, and funding - Approved finalized hunting rules

April 2015 Commission Meeting

Diane Eggeman, Director of the Division of Hunting and Game Management of FWC, gave a presentation of the proposed new rules for a limited black bear hunt. Eggeman began her presentation with an explanation of how hunting can be a useful tool to manage wildlife populations. These reasons include that hunting has proven to be an effective way to control populations, unregulated hunting can increase risks to the wildlife population, and there is often high public support for regulated hunting programs. The hunting guidelines were developed on the basis that the hunt would be a simple and conservative approach to maintain the sustainable population goals for each BMU. The limited hunting season would be open in four of the seven BMUs: East Panhandle, North, Central, and South. The bear sub-populations in these BMUS are over 200 individuals per 2002 population estimates, which are large enough to withstand hunting pressures (Eggeman, 2015a).

Eggeman proposed two different options for the length of the hunting season. The first was a seven-day hunt from October 24 – 30, 2015, but early termination in any BMU would occur if the harvest objective was reached before the end date with a two-day minimum season. The second was a five-day hunt from October 24 – 28, 2015. The harvest objective of each BMU would be established by the Executive Director and approved by the Commission, and it would follow the guidelines for maintaining a sustainable population. Before finalizing the hunting regulations, FWC would hold stakeholder meetings for each BMU in addition to several webinars. To allow for FWC staff to disseminate information and educate the public on the conservation application of hunting and how it would be carried out sustainably, FWC would offer the public an opportunity to submit comments on the FWC website in addition to sending comments by e-mail, phone, and mail. Eggeman summarized the themes for stakeholders that

both oppose and support the hunt using information acquired from the previous Commission meeting. The general arguments in support of the hunt included that the bear populations are sufficiently large to sustain a hunt, a hunt may reduce human-wildlife conflicts, and a hunt can restore the tradition of hunting in young Floridians. The general arguments in opposition to the hunt included that humans have a severe negative impact on the bear population from increased human population, habitat loss, and substituting food, the bear populations are not large enough to withstand hunting pressure, and hunting will not solve human-bear conflicts (Eggeman, 2015a).

FWC staff recommended that the Commission approve the proposed amendments to the hunting rules and consider finalizing them at the next Commission meeting in June 2015. The presentation was then followed by a public comment period. Commissioner Priddy motioned and Commissioner Roberts seconded the Commission's approval of the staff recommendation for a seven-day hunting season with the opportunity for early termination if the harvest objectives were met before the close of the season (FWC, 2015b).

June 2015 Commission Meeting

Eggeman presented the proposed final rules for the seven-day limited bear hunting season. There were few changes made to the rules from the April 2015 Commission meeting. The proposed bear permit fee price remained the same, the issuance of the permits was the same, the hunting methods were the same, and the bag limits and other regulations were the same. The only changes that were made were the harvest objectives for two of the four BMUs (Eggeman, 2015b). The population estimates and final harvest objectives for the BMUs open to the bear hunt are shown in Table 3.

Table 3: Population Estimates and Harvest Objectives for the Four BMUs Open to Bear Hunting

BMU	Population Estimate (Year)	20% of Population Estimate	Harvest Objective
East Panhandle	600 (2002)	120	40
North	550 (2014)	110	100
Central	1300 (2014)	260	100
South	700 (2002)	140	80

FWC staff argued that despite the strong public opposition, hunting is the most effective tool to manage the bear population and reduce human-bear conflicts. Selling permits for the hunt also generates additional revenue for FWC which could be used for bear conservation efforts. Bear hunting will reintroduce a sustainable use for wildlife in a responsible way and contribute to the recreational enjoyment of hunters in Florida. Staff recommended to the Commission to approve these final rule amendments that would be effective immediately after their filing. Eggeman confirms that this hunting proposal is extremely conservative when compared to other states that allow bear hunting (Eggeman, 2015b).

Following Eggeman’s presentation, the public gave comments. Vice Chairman Yablonski made a motion that was seconded by Commissioner Priddy for the Commission to approve the staff recommendation of the finalized hunting rules. Commissioner Bergeron was the only Commissioner to oppose because he was concerned about the 20 percent harvest rate using the old population estimates (FWC, 2015c).

Role of the Media

The media was very active in reporting this case. Individuals who wrote op-ed pieces for newspapers, in addition to regular newspaper articles, were often opposed to the hunt and

incorporated erroneous information. FWC tried to conduct more outreach to the media because of frequently inaccurate information and was misinforming the public (AG-01, personal communication, September 16, 2016).

Litigation

A group called “Speak up Wakiva” filed a lawsuit against FWC, trying to obtain an injunction to stop the hunt. The injunction was denied and the group filed a second lawsuit targeting the bear hunt that was subsequently withdrawn (AG-01, personal communication, September 16, 2016). There were additional lawsuits filed by other anti-bear hunting groups against FWC during the time when FWC was trying to conduct public engagement on the issue. These lawsuits created a dynamic where FWC could not speak to certain people about specific topics. There were also emergency injunction hearings for FWC where representatives from the agency had to go to court and argue with stakeholder groups. This created tension and an antagonistic feeling for both staff and stakeholders which was a hindrance to effective and informative public engagement (AG-02, personal communication, September 28, 2016).

Hunt Outcome

FWC set the total harvest objective for all four BMUs where hunting was permitted at 320 bears and 304 bears were reportedly harvested. The East Panhandle BMU had a harvest objective of 40 bears, but had an actual reported harvest of 114 bears, the North BMU had a harvest objective of 100 bears, but had an actual reported harvest of 25 bears, the Central BMU had a harvest objective of 100 bears, but had an actual reported harvest of 143 bears, and the South BMU had a harvest objective of 80 bears, but had an actual reported harvest of 22 bears

(Table 4). The East Panhandle and Central BMUs were closed on the second day of the season and the North and South BMUs were closed on the third day of the season. Although hunters exceeded the harvest objectives in the East Panhandle and Central BMUs, the state-wide harvest objective was not met (“Hunt Summary Report,” 2015). Figure 5 shows the BMUs that were open to hunting as well as the reported harvests within each county in the open BMUs. Since the East Panhandle and Central BMUs had reported harvests that were above their harvest objectives, there were concerns about overhunting these areas. FWC staff argued that the harvest objectives were conservative and therefore there was a greater likelihood that the harvest objectives would be exceeded. If the harvest objectives were established using updated population estimates that were likely larger, then perhaps the objectives would not have been reached (AG-02, personal communication, September 28, 2016).

FWC attributes reaching the harvest objective so quickly on just the first day of the season in the East Panhandle and Central BMUs to several factors. FWC established the East Panhandle BMU harvest objective using a population estimate from 2002, so it is likely that the population during the hunt was greater and the harvest objective did not reflect those numbers. Hunters were also excited to hunt bears on the opening day of the season which heightened hunting pressure on the first day rather than it being consistently lower throughout the entire hunting season (“Hunt Summary Report,” 2015).

Table 4: Harvest Objectives vs. Reported Harvest (# Bears) of Each BMU During the Hunt, October 2015

BMU	Harvest Objective	Reported Harvest
East Panhandle	40	114
North	100	25
Central	100	143
South	80	22
TOTAL	320	304

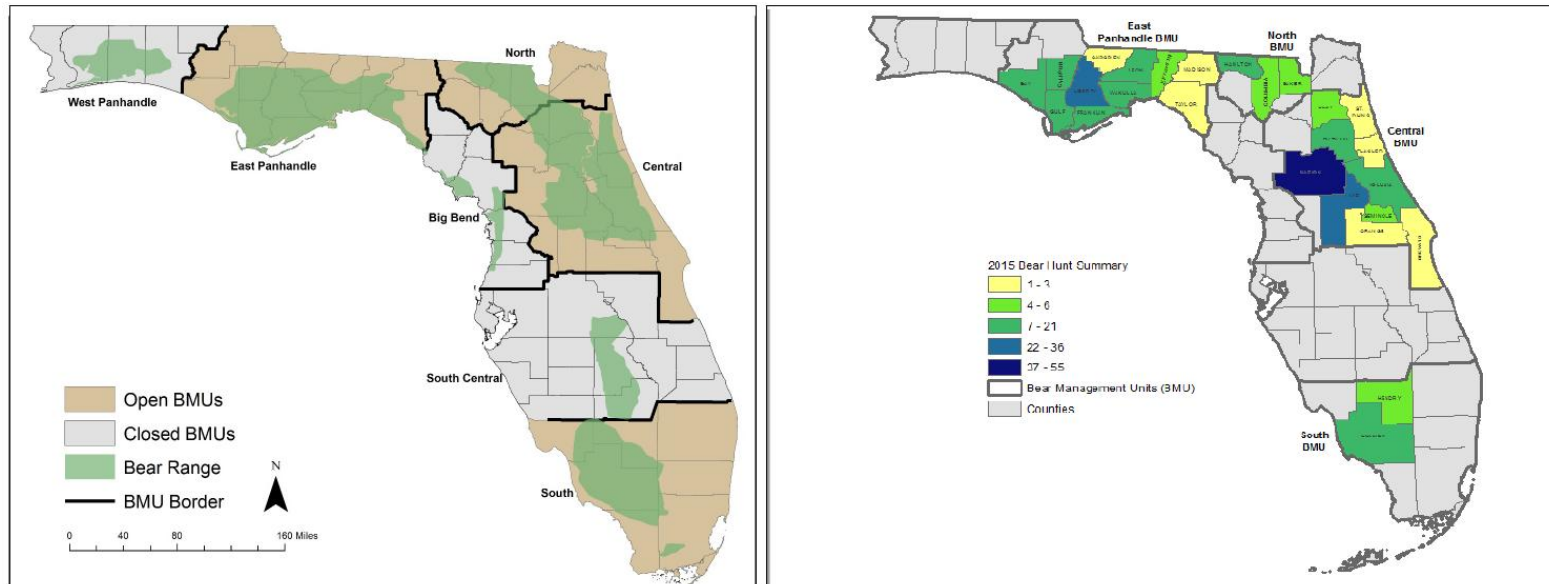


Figure 5: BMUs Open to Hunting and the Reported Harvests by County (“Hunt Summary Report,” 2015)

Chapter 3: Results
Evaluating Stakeholder Involvement in the Decision-Making Process of Reinstating
Hunting for the Florida Black Bear

Introduction

Wildlife is a public trust resource which can be defined as a commodity that is “managed for the common good, and help in custodianship by a cadre of trained professionals who serve as trustees and are held accountable by the beneficiaries, the public” (The Wildlife Society, 2010, p.10). Therefore, state government and wildlife agencies usually conduct its management. The process of wildlife management incorporates a variety of different elements including sociocultural, ecological, political, and economic components. (Decker, Riley, & Siemer, 2012). The human dimensions of wildlife, a subset of wildlife management, govern management by incorporating the values and experiences of stakeholders, where a stakeholder is any person who has an interest or stake in the wildlife or human-wildlife interactions (Decker et al., 2012). It is essential to understand how interactions between social and ecological systems cultivate human-wildlife interactions and their subsequent effects.

The best way to identify and understand the impacts of a coupled sociocultural-ecological system is to engage the public in deliberations and management decisions (Decker et al., 2012). Wildlife management decision-makers are obligated to seek out stakeholders’ values and needs and incorporate them into policies and regulations. If stakeholders are included in management decision-making, then they can provide insight for managers to understand how stakeholders will respond to managed wildlife interactions. Any management decision will likely benefit only some stakeholders, and human dimensions can consider trade-offs before a decision is made (Decker et al., 2012).

This chapter will first present the literature on agency rulemaking, stakeholder participation, and stakeholder satisfaction of agency rulemaking processes and outcomes. Next, the research design, data collection, and data analysis will be discussed using a case study from a controversial wildlife management decision in Florida. This will be followed by the research findings and a discussion that covers the broader implications for agency rulemaking in a wildlife management context.

Agency Rulemaking

Furlong and Kerwin use the federal Administrative Procedure Act to define rulemaking as the “agency process for formulating, amending, or a repealing a rule” where a rule is “any agency statement of general or particular applicability and future effect designed to implement, interpret or prescribe law or policy” (5 U.S.C. §551 and 553). The informal rulemaking process in the United States may involve two key stages: the pre-proposal phase and the notice and comment phase (Rinfret, 2011a).

The pre-proposal phase is the occurrence of informal interactions between the agency and interest groups (Rinfret, 2011a), which is viewed as the most crucial time to influence a rulemaking (West, 2009). Some of these interactions include informal meetings, consultation, and workshops. In these informal meetings prior to draft rule issuance, organized special interest parties engage with the agency. Organized groups lobby agency officials and inform the agency of their priorities before rule development (NRC, 2008). This results in perceived or true bias that the agency favors the special interest parties (West, 2009) and undermines the strength and effectiveness of the public who can participate in other ways in the formal rulemaking process (Crow, Albright, & Koebele, 2015).

Decision-makers, especially on the state level, have a great deal of discretion throughout the rulemaking process (West, 2009). Even if specific interest groups are more involved than other self-represented stakeholders, the decision is ultimately left to the agency personnel (Crow et al., 2015). If the public contacts agency personnel directly, they may experience more effective communication. This direct contact helps the stakeholders feel more secure that they are being heard by agency officials (Furlong & Kerwin, 2005).

Shuttle diplomacy is an approach to informal rulemaking procedures that

“requires that agency personnel work one-on-one with individual companies and groups to discuss issues, and the goal with this approach is for the agency to strike a balance between competing stakeholder arguments during rule development” (Rinfret, 2011b, p.229).

This process requires agencies to be willing to share their priorities and intentions regarding the issue at hand with the involved stakeholder groups. This allows the stakeholder groups to provide their own interpretation of the issue to the agency, expertise, and recommendations to help shape the rule in its development stage. Shuttle diplomacy can foster a greater sense of trust in the agency because the stakeholders play an important role in rulemaking by helping to develop and finalize the rules. It is important, however, for an agency to not shut out individuals in this process which is easy to do if the agency is just reaching out to organized stakeholder groups. The agency’s overall goal, whether through shuttle diplomacy or other mechanism of public participation, must remain adherent to its obligation to protect the public interest (Rinfret, 2011b).

Agency staff responsible for rule proposal and development may also interact informally with stakeholders in the hallways of their offices or in other settings (West, 2009). These “hallway talks” are not planned, nor do they occur for long periods of time, but stakeholders

have the opportunity to quickly explain their position to the staff member(s) and have a quick conversation regarding the issue.

A mechanism that has recently become more widely used in public participation in agency rulemaking is electronic communication (West, 2009). Agencies have the ability to use websites, bulletin boards, blogs, and e-mail to disseminate information to the public regarding upcoming rulemaking. This allows the public to send comments and opinions to the agency directly and quickly. Agencies can also make their proposed rules accessible online and host webinars or chat rooms (Furlong & Kerwin, 2005).

Agencies benefit in several ways by utilizing electronic communication in their rulemaking. When data and rulemaking proceedings are posted online, an unlimited number of people have access to that information and may be able to participate in the rulemaking. In some cases, the public can submit comments to proposed regulations and following hearings and meetings via webcast or audio streaming. There is a greater opportunity for the public to educate themselves on the issue, be involved in the participatory aspects, and interact with the agency in a fast, easy, and constructive way (Furlong & Kerwin, 2005). Electronic interfaces may lower the cost for the public to learn about an agency's proposed rules and communicate with agency staff, but motivational, access, and knowledge barriers remain that often inhibit its degree of use (Coglianese, 2006). Furlong and Kerwin conducted a study which found that over 71 percent of surveyed organizations involved in agency rulemaking maintained their education on the issue through information acquired electronically "often" or "always" (2005). However, one study found that when an agency shifted towards an online rulemaking system, the amount and type of public comment received did not change (Coglianese, 2006).

Guidelines for the pre-proposal process often reflect the coordination and organizational capacity of the agency, rather than the sole solicitation of input from the public. Agencies rarely act in the interest of that agency alone because they are influenced by political factors and various stakeholders. Agencies communicate with stakeholders outside of the agency to gather information and political feedback usually by inviting special interest groups to provide information. This is not always viewed as transparent or inclusive, whereas the notice and comment period provides an equal opportunity for all stakeholders to have access to the rulemaking (West, 2009).

The second phase of rulemaking, the notice and comment phase, occurs when the public submits comments on a proposed or amended rule which agency personnel must then review. The submitted comments may assist the agency to shape the language and content of the final rule (Rinfret, 2011a). Special interests and stakeholders often participate in this format to meet agency and public expectations about how they should be involved (Furlong & Kerwin, 2005). A “special interest” party or an “interest group” encompasses any joint association of people associated with a company, business, trade association, union, government, or public interest (Kerwin, 2003). Agencies have felt pressure to increasingly involve other stakeholders other than interest groups (Rinfret & Cook, 2014). Appointed agency managers may be more susceptible to pressure or demands from interest groups as compared to the general public since interest groups have the capacity to conduct legal action (Woods, 2009).

Public comment is an opportunity for the agency to literally hear from stakeholders, but agency officials may only use this information if they find it is necessary. Some scholars believe that the notice and comment period is an excellent tool in ensuring meaningful engagement with the public to help develop policy (Rinfret, 2011a). Others believe that the notice and comment

period is meant to provide an opportunity for stakeholders and interest groups to monitor agency action and provide them with an outlet to complain to politicians. Another group of scholars argues that notice and comment is merely a symbolic process but does not affect the agency's rulemaking decisions (West, 2004).

The extent of public comments that are given during an agency's rulemaking proceedings may vary for different reasons. Participants require resources such as time and money to provide public comments (West, 2004). This can exclude some citizens who would otherwise want to be engaged on the issue and results in the majority of comments from special interest groups (Furlong & Kerwin, 2005; West, 2009). Additionally, the extent of controversy surrounding the proposed rule and its potential extent of effects also influences the type and amount of comment an agency receives (West, 2004). Public comment can, however, provide some important information for the agency and help counter any earlier participatory oversights (West, 2009).

Stakeholder Involvement in Rulemaking

The ultimate goal of an agency's incorporation of the public into its rulemaking is to improve the quality, legitimacy, trust, and capacity of its decisions (NRC, 2008). Layzer outlines two general hypotheses about the benefits of public engagement in environmental agency rulemaking, or "civic environmentalism" (2002). The first claims that if agencies make a meaningful decision where stakeholders are involved at every stage of the process, then that decision will be collaborative, consensual, and durable. Previously, decisions in an environmental policy context were made among widespread conflict among stakeholders and decision-makers often did not apply collaborative or cooperative practices. By including all potential stakeholders, agencies increase the robustness of the decision and reduce the risk for opponents to try to subsequently overturn rules when they see a political advantage (Layzer,

2002). The second hypothesis is that by providing stakeholders with opportunities to obtain and understand sufficient information on the issue, agencies can develop rules that go beyond the “one-size-fits-all” solutions. This claim is based on the fact that typical rulemaking does not provide room for creative opportunity. A collaborative approach that incorporates the public in decision-making allows for citizens to employ their creative innovations in a constructive, regulatory setting and contribute to an agency’s progressive solution (Layzer, 2002).

There are several ways in which the public can be involved in agency rulemaking. Beierle groups these into three categories that vary in the directions of information flows, where informational flows are communication from one party to another (Figure 6) (1998).

The first category of communication between stakeholders and an agency is a one-way transfer of information from the public to the agency via mechanisms such as focus groups or surveys. This is a useful dynamic where stakeholders can inform agency decision-makers about their values and perspectives and can bring forward more information to help the agency make a better decision (Beierle, 1998). A common method of one-way stakeholder involvement is providing public comments at meetings held by the management agency where stakeholders voice their concerns in response to issues that the agency is facing. This gives agency personnel insight into the demands and concerns of the public and gives the agency the opportunity to address them. Scholars often criticize public comment for its failure to provide an opportunity for meaningful participation and resulting in agency personnel just “going through the motions” rather than actively engaging with the public (Crow, Albright, & Koebele, 2016). Public comments also have limited influences on regulatory outcomes. Shapiro and Borie-Holtz conducted a study which found that only a minimal number of regulations were actually changed in response to comments given by the public (2013).

The second category is also a one-way transfer of information, but the flow goes from the agency to the public in the form of public notices or publicly released information. This communication structure helps the agency educate the public on the issue, increases the transparency of the agency, and facilitates trust in the agency. The media or outspoken community groups are responsible for disseminating the information to the wider public if the agency can only reach a subsection of the public (Beierle, 1998).

The third category is a two-way transfer of information where the agency and the public can provide information to each other through citizen advisory committees or workshops. This open dialogue of exchange between the agency and stakeholders can help educate the public on the issue, incorporate the public’s values and knowledge into the decision, improve the quality of the decision, and facilitate a sense of trust in the agency and its processes. This dynamic also allows for a significant amount of interaction between stakeholders with opposing viewpoints and interests which can create opportunities for conflict mitigation (Beierle, 1998).

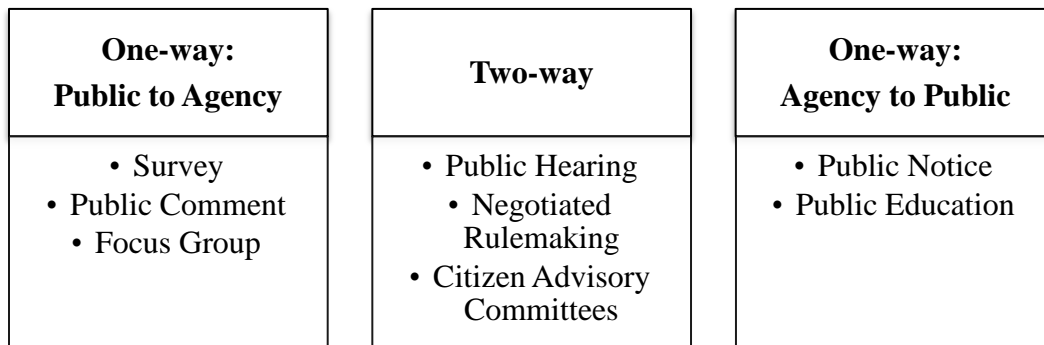


Figure 6: Information Flows between the Government and the Public (adapted from Beierle, 1998)

Stakeholder Satisfaction

It is also important to understand how stakeholders perceive their ability to influence regulatory processes and outcomes. The perceptions of stakeholders regarding their influence

may determine what type of information they include during their participation in the regulatory process and whether they decide to participate at all (Crow et al., 2015). Participant satisfaction has been a widely used indicator to measure the quality and success of policy processes and outcomes (Coglianese, 2002). Langein and Kerwin conducted a study which found that individuals who participated in negotiated rulemaking are generally more satisfied with the overall political process than those who participated in conventional rulemaking (2000). Negotiated rulemaking has cited more satisfied participants due to its more collaborative rulemaking process (Coglianese, 2002).

However, stakeholder satisfaction is not always the most accurate measure for successful policy. Participants in some regulatory processes report dissatisfaction even after significant opportunities for involvement (Coglianese, 1997). This may be due to the fact that the people who were involved in the policy process believed that they would have a larger influence or effect on the outcome than was realistically feasible (Coglianese, 2002).

It is important, therefore, to assess if participant satisfaction is an appropriate measure for evaluating the success of regulatory outcomes. Coglianese argues that there are two reasons that participant satisfaction should not always be the goal of regulatory processes (2002). The first reason is that stakeholder satisfaction does not always correspond to high quality regulatory decisions. If participants are satisfied with the outcome, then that does not necessarily mean the policy decision was good. If all of the participants are satisfied, then that may be evidence that the regulatory outcome was a broad, “one size fits all” solution, rather than a good policy. The second reason is that the participants are unlikely to be the only people that the decision affects. This means that the satisfaction of those participants is not representative of the entire affected public (Coglianese, 2002).

While we know a significant amount about stakeholder values and federal agency rulemaking, there remain areas for further inquiry into state-level rulemaking. Literature does not indicate the capacity in which interest groups and stakeholders are involved in an agency's rulemaking (Furlong & Kerwin, 2005). This study aims to better understand which mechanisms of participations stakeholders utilize, how stakeholders perceive the opportunity for involvement, and stakeholder satisfaction of policy outcomes after their participation.

Research Questions

To better understand how stakeholders are involved in agency rulemaking, this study addresses the following research question and sub-questions:

Research Question 1 (RQ1): To what extent are stakeholders involved in an agency's rulemaking process in the context of controversial wildlife management decisions?

Research Sub-Question 1 (RQ1.1): What degree of involvement do stakeholders perceive is accessible/available to them in agency rulemaking?

Research Sub-Question 2 (RQ1.2): What methods do stakeholders use to participate in agency rulemaking process?

Research Sub-Question 3 (RQ1.3): What is the extent of stakeholder satisfaction with the opportunity for involvement in the rulemaking process and policy outcomes?

The research question and sub-questions will allow for an in-depth analysis of the rulemaking process of a state wildlife agency and the capacity in which stakeholders can engage with the agency in the promulgation and establishment of a wildlife-related rule.

Methods

This project focuses on a case study of the Florida Fish and Wildlife Conservation Commission's (FWC) rulemaking process to reinstate the hunt for the Florida black bear in 2015. An in-depth case study allows for a deeper understanding of an issue by incorporating multiple data sources to preserve the meaning and significance of the actual events (Yin, 2003). The case of FWC's process and decision to reinstate the hunt for the Florida black bear in 2015 was selected because of the widespread public attention and contentiousness it engendered, in addition to its inclusion in the human dimensions of wildlife— a useful context to study public involvement in rulemaking (Decker et al, 2012).

This project uses data from FWC, the state wildlife agency in Florida, during its decision to reinstate hunting for the Florida black bear to evaluate how stakeholders are incorporated in agency rulemaking processes. Data were collected from two sources. First, semi-structured interviews were conducted with agency personnel and stakeholders regarding the opportunity and involvement of stakeholders throughout the decision-making process pursuant to the guidelines set by Rubin and Rubin (2005). This method was chosen because of its flexibility to allow the interviewer to adjust questions and ask for clarifications. This also allowed for a more informal, fluid conversation to help comfort the interviewee instead of creating an atmosphere of an interrogation, which is particularly important when dealing with a controversial topic (Rubin & Rubin, 2005). The interviews were used to capture any form of communication or interaction between stakeholders and the FWC that may not have been evident in the documents provided by the FWC, in addition to their perspectives on the opportunity and receptiveness of the FWC of stakeholder involvement. Interview questions were designed based on the major research

objectives and sub-questions. A subset of interview questions is included in Table 5 and the entire list is included in Appendix A.

Interviewed agency officials were selected from an online list of agency personnel and were initially contacted via e-mail. All seven Commissioners were contacted, but only one responded and agreed to provide an interview. Representatives from the various stakeholder groups who were actively involved in the decision-making process were identified from public minutes of the FWC Commissioners meetings and were interviewed. Additional online searches were conducted to find contact information for these individuals and they were contacted via e-mail. Snowball sampling was used when the researcher had difficulty choosing potential interview subjects or the chosen subjects were unreachable. Snowball sampling is a useful method where the researcher begins with research subjects that are more easily accessible and ask the subjects for recommendations (Auerbach & Silverstein, 2003). After the interviews were completed, the recorded files were transcribed by the researcher.

Second, agency documents were collected to assemble a timeline of the case and to examine the recorded extent of stakeholder involvement in the FWC's decision-making process. All available documents related to the decision-making of the FWC directly related to reinstating the Florida black bear hunt were gathered and analyzed. This included all management plans, management protocols, records of management decisions, and meeting agendas/minutes of the FWC. These data allowed for an in-depth case study of how stakeholders were incorporated in the FWC's rule-making process for reinstating hunting for the Florida black bear.

Table 5: Sample Interview Questions for Stakeholder Involvement

Agency Personnel

- 1) Please describe the process that the agency normally goes through to make a regulatory decision.
- 2) How does your agency involve the public or other stakeholders in the development of regulations?
- 3) Do you feel that the FWC specifically cooperated or worked together with any of the above groups when solidifying or discussing the proposed hunt?
- 4) Does the agency ever conduct a negotiated rulemaking process where you sit down with opposing interests to discuss regulation?
- 5) Is it common for political leaders to become involved in the rulemaking process, or do they usually leave it to the agency to create the rules once legislation has passed?

Stakeholders

- 1) Do you or a representative from your group attend any type of public meeting held by the FWC? How often?
 - 2) In what other capacities are you/your organization involved in the regulatory processes of wildlife management decisions? For example, do they attend stakeholder meetings, rulemaking hearings, engage with the public or other groups about the issue, participate in protests, etc.
 - 3) Did the FWC ever conduct a negotiated rulemaking process where they sat down with various interest groups to discuss the proposed or ongoing regulation?
 - 4) Do you feel that the FWC worked with your organization during the regulatory process?
-

Data Coding and Analysis

Recorded interviews were transcribed in the format of “intelligent verbatim” which removes unnecessary filler words (e.g. “um,” “er”) but leaves the rest of the words unaltered. This allows for a more fluid reading and better comprehension of the interview. Interviews were coded using a systematic coding scheme to qualitatively analyze the study variables. Qualitative analysis (Auerbach & Silverstein, 2003) was conducted using the software NVivo to maximize consistency of coding and analysis and to assess similarities and differences among stakeholders and variables (Miles & Huberman, 2013). This allowed the researcher to dissect complicated qualitative data in order to focus on the research questions. To analyze the coded data, a search

for patterns across units of analysis was used to develop the findings presented in this chapter (Miles & Huberman, 1994).

The researcher developed eight super-codes to classify quotes from the interviews that each contained between three and nine sub-codes. Super-codes represented broad scale themes and sub-codes represented more specific categorizations within their respective super-code (Table 1). If any information from the interview did not match any particular sub-code, it was placed in the general super-code category. Intra-coder reliability was ensured by the researcher reading each interview transcript multiple times and focusing on each super-code individually each time (Krippendorff, 2004). Each interviewee was assigned an alpha-numeric code that represented the type of interviewee (agency personnel or stakeholder) and the order in which the interviews were conducted. For example, the code “(AG-01)” corresponds to the first interview conducted with an agency official and “(ST-02)” corresponds to the second interview conducted with a stakeholder.

Case Study

Florida’s state wildlife agency, Florida Fish and Wildlife Conservation Commission (FWC), first initiated a black bear hunt in 1936. After a significant decline in the bear population, the FWC closed the hunting season in several areas in Florida in 1971, but kept it open in some national forest lands until 1994 (“Florida Black Bear”, n.d.). The hunt continued even as the Florida black bear was listed as Threatened in the state of Florida in 1974 (Garshelis, Scheick, Doan-Crider, Beecham, & Obbard, 2016). Between 1981 and 1994, approximately 46 bears were killed each year during the hunting seasons. Bear hunting throughout the state of Florida ultimately closed in 1994. In 2015, FWC proposed reinstating the hunt to help stabilize

the large and resilient bear population (“Florida Black Bear,” n.d.). When FWC was planning to reinstate the hunt, there was strong and widespread public opposition. Despite the extensive public opposition, the FWC proceeded with the hunt (Funcheon, 2015).

The Florida State Constitution provides that FWC has a panel of seven Commissioners who are fully responsible for enacting regulations and rules regarding fish and wildlife (“Commission,” n.d.). Each Commissioner is appointed by the governor of Florida and must be confirmed by the Florida State Senate. The Commission is also subject to the Florida Open Meetings Law, also known as Florida’s Sunshine Law. This law makes it improper for the Commissioners to communicate with each other on Commission-related issues privately, so all discussion and decisions are conducted at the public Commission meetings (Fla. Stat. §286). Public FWC Commission meetings occur five times a year in a public setting where agency staff present reports on various fish and wildlife issues and Commissioners consider rule proposals, finalize rules, and conduct other related tasks. The public has an opportunity to provide comments and testimony on items both listed and not listed on the formal meeting agenda, which is released online prior to each meeting.

The Florida black bear, *Ursus americana floridanus*, is a subspecies of the American black bear. There is an estimated population of 4,000 bears living in the state of Florida (Humm, McCown, Scheick, & Clark, 2016). Florida’s human population has grown significantly in recent years, resulting in urban sprawl that continues to encroach on bear habitat (Figure 2). The loss of habitat and the increase in the human population have both contributed to increased instances of interactions and conflicts between humans and bears.

The FWC proposed reinstating hunting in 2015 to help stabilize the large and resilient bear population (“Florida Black Bear,” n.d.). The hunt was first proposed at the Commission

meeting in February 2015. Draft rules for the hunt were proposed at the Commission meeting in April 2015, and the finalized rules for the hunt were approved at the Commission meeting in June 2015 (Figure 4). The agency set a quota of 320 bears that could be hunted over a 7 day season in October 2015. There were 207 bears killed on the first day of the hunting season and the quota was reached by the second day, closing the season for the remainder of the season (Funclean, 2015).

Results

This study broadly seeks to understand how stakeholders are involved in state agency rulemaking in the context of controversial wildlife management decisions by utilizing a case study of reinstating the hunt for the Florida black bear by the FWC. These results address the following specific research question:

***RQ1:** To what extent are stakeholders involved in an agency's rule-making process in the context of controversial wildlife management decisions?*

This research question seeks to understand the general trends of stakeholder participation in agency rulemaking by evaluating how stakeholders are involved in the rulemaking process, the opportunity for involvement, and overall satisfaction with the opportunity for involvement and the policy outcome. The three research sub-questions help focus this analysis on themes related to stakeholder participation and agency rulemaking as mentioned above.

RQ1.1: What degree of involvement do stakeholders perceive is accessible/available to them in agency rulemaking?

The first research sub-question addresses the degree to which stakeholders believe that they had an opportunity to be involved in the FWC's rulemaking process of reinstating the hunt of the Florida black bear. Interviewees, both agency personnel and stakeholders, were asked directly about how they perceived the opportunity for stakeholder involvement in this case. Interviews were coded to capture the opinions of the stakeholders regarding several aspects of the policy process and outcome (STKOPIN). For the opportunity for involvement in FWC's rulemaking in this case, a sub-code (OPPOR) was also included. Any instance in which a stakeholder mentioned these topics, that group of sentences was sorted into the respective sub-code or super-code bin.

The agency personnel that were interviewed believed FWC provided ample opportunity for stakeholders to be involved in their rulemaking process:

We always open it up to members of the public—there's always opportunities for them to speak at a meeting and of course email or write us or call us in the interim and we have opportunities to ask questions, they present us with comments, and then we vote. (AG-01)

All of those commission meetings were public meetings where the commission spent hours, literally hours, of testimony from the public. During that whole period, we were taking public input on our website, we put up a special webpage where people could send us comments and offer their input on the proposal... We got lots of phone calls, emails, petitions from groups, comments and inputs ... In each of the bear management units, we have those ongoing stakeholder groups that we met with... We conducted conference calls with a statewide technical assistance group on bear management and we had conference calls with them...and we held two public webinars. (AG-02)

Most interviewed stakeholders echoed this perception that there were sufficient opportunities for them to participate in this process:

They worked with us in the sense that if we needed any information to give to our people, but a lot of times with the FWC here, and I can't speak for any other state, but they'll call

us and say listen, we're thinking about doing this, but how do you guys feel? Because they want to judge public perception of some things. (ST-01)

Well, they did have a lot of meetings, I can say that, they did bring this up at the stakeholders group, the bear subunit stakeholder groups, they did have some other public webinars where they accepted public comment and of course they had the commission meetings. So they had ample opportunity for receiving public comment. (ST-02)

I think FWC made an effort to reach out to all of the effective parties, invite us to come testify. (ST-03)

I had loads of conversations with agency staff. (ST-04)

The agreement on the extensive opportunity for stakeholder involvement in this rulemaking across interviewed agency personnel and stakeholders is evidence of a transparent, inclusive decision-making process. Agency officials made multiple participation venues available to stakeholders throughout this rulemaking and stakeholders found them accessible.

Having analyzed the degree to which stakeholders perceived FWC's provided opportunities for their participation, the next research sub-question investigates if and how stakeholders participated in the rulemaking on this issue.

RQ1.2: What methods do stakeholders use to participate in the rule-making process?

As previously stated, there are two major stages of agency rulemaking: the pre-proposal stage and the notice and comment stage (Rinfret, 2011a). Interview data were coded to identify the type of stakeholder involvement and at what stage of rulemaking it occurred. Stakeholder input received prior to public notice and draft regulation publication, or in the pre-proposal stage, were coded as the sub-code "PREDRAFT" under the super-code "PROCESS." This super-code included any statements of the regulatory process as it relates to being an influential aspect of rulemaking. Interviews were also coded for specific mechanisms used in the rulemaking process (STKHLD). This super-code included specific sub-codes for involvement such as lobbying

agency officials (LOBBY). The capacity in which stakeholders were involved in the rulemaking process was also coded (STKINVOLV). Sub-codes in this category included formal meetings between the agency and stakeholders (FORMMEET), informal meetings between agency personnel and stakeholders (INFORMMEET), public comments given at a hearing or public meeting (PUBCOM), communications via telephone calls (PHONE), and communications via online resources (WEBCOM).

There were a limited number of statements of stakeholder involvement in the pre-draft stages of the FWC's rulemaking for reinstating the hunt for the Florida black bear. Before a draft rule is presented at a public Commission meeting, FWC attempts connect and communicate with stakeholders outside of the agency as well as consults staff within the agency for recommendations:

Normally that is the first step is we have an issue or topic that needs further investigation and if it was something that has merit... then we would direct the staff to move forward with gathering stakeholder input. (AG-01)

In this case, the draft consideration of a proposed hunt was presented at the public Commission meeting in February 2015. The actual draft proposal of hunting rules was not presented until the Commission meeting in April 2015, allowing collaboration between the agency and the stakeholders regarding the draft proposal prior to February 2015:

We try to take in as much information from the public up front so that even when we do this draft at our meeting, it reflects a lot of the input from the stakeholders already. (AG-01)

Constituents and interest groups were aware of the consideration of proposing a bear hunt before it was publicly announced during the meeting in February:

It was a public meeting, people knew it was on the agenda, it was a packed house... a lot of people who were interested and interest groups we've been working with for decades... attended that meeting. (AG-02)

In this case, interviewed stakeholders were involved both formally and informally during FWC's rulemaking to reinstate the hunt. There were mentions of "hallway talks" or off-hand conversations with agency staff, but interviewed stakeholders did not mention specifics about these conversations. Therefore, it is difficult for this research to indicate the extent to which stakeholders were involved informally or the quality of such interactions during this rulemaking.

At the public Commission meeting in April 2015, FWC staff presented draft rules for a Florida black bear hunt:

And at that first draft consideration, the staff does a formal presentation, tells us about the stakeholder input. (AG-01)

At the next public Commission meeting in June 2015, agency staff presented the final rules for the Florida black bear hunt. Between the Commission meeting where the draft rule was proposed and the meeting where the final rules are voted on, stakeholders were still involved in the process:

In the case if it's something we want to pursue, then there's additional outreach to the public to gain stakeholder input, these little changes that were made would be implemented and then presented at the next meeting for final decision and final rule. (AG-01)

Stakeholders participated in FWC's rulemaking at both stages of the decision-making process. In this case specifically, FWC personnel said that the agency put forth a greater effort to seek public input than usual due to the controversial nature of the subject:

In realizing that it was such a divisive topic, probably there was more public outreach and opportunities for stakeholder input than any other topic that I can remember. (AG-01)

The FWC used electronic means to reach more people. They conducted webinars, provided information on their website, and allowed for comments to be submitted via an online portal:

They [the public] used social media a lot, they had websites, there were Facebook postings, there was quite a bit of emailing and there was a lot of participation at the meetings. (AG-01)

We held two public webinars during that period...and we held another webinar specifically for hunting stakeholders...to get input from hunters on the particulars on how the hunt would be managed and set up. (AG-02)

Some stakeholder groups also posted their positions on the hunt on their organization's websites and emailed Commissioners directly (ST-02, personal communication, October 5, 2016):

We put up a special webpage where people could send us comments and offer their input on the proposal, against the notion of hunting, or anything that we were doing with bear management. (AG-02)

Internet communication also assisted stakeholder groups to form coalitions and communicate with each other. Although stakeholder groups had different priorities or perspectives, working together did provide some advantages:

Not only did we try to work together on messaging and strategy, one group would maybe reach out to one commissioner, another maybe had a better relationship with another commissioner, so we could all hit all of the bases as far as advocating our position. But then we also were able to utilize others' research. (ST-02)

On the other hand, FWC also reached out to stakeholders:

We talk to them all the time, sometimes I'll get a phone call saying hey what do you think or we could use your help and get your group or something like that. (ST-01)

This demonstrates the two-way communication that occurs between the agency and stakeholders that was outlined by Beierle (1998). Both groups can reach out to the other and seek advice or opinion on a specific issue which can incorporate the public's values and knowledge into the decision, improve the quality of the decision, and facilitate a sense of trust in the agency (Beierle, 1998).

Additionally, informal meetings occurred between agency personnel and stakeholders.

This sometimes occurred via "hallway talks":

And we get to talk to the commissioners by themselves. You know you get them on the side, the old hallway talks... You get to know their reasoning... We can meet with them and talk to them about it and how they feel, and get their opinion, but they're not allowed to talk to each other about it. (ST-01)

I used to work across the hallway from the biologist with FWC, the late biologist on the bear issue and so just anecdotally, I talked to him about it all the time. (ST-03)

Informal communication also occurred in small meetings set up between agency staff or Commissioners and stakeholders.

And then in addition, around all of those commission meetings and all of these meetings, we're interacting with the public and with our partners and stakeholders, people are coming to our offices, so there's just a ton of low level engagement around all of that. (AG-02)

So I had loads of conversations with agency staff but it was not, but it was frankly something that I did in my free time rather than as a main part of my job. (ST-04)

Both of these mechanisms facilitate two-way communication between the agency and the stakeholders. Although it is not guaranteed, these are useful ways for stakeholders to inform agency personnel of stakeholder priorities and desires related to the issue; and in turn, the agency can inform the stakeholders about its goals and challenges.

Another mode of stakeholder participation in FWC's rulemaking process to reinstate the hunt for the Florida black bear was the institution of what they referred to as "trap-lining." Trap-lining is a strategy where the agency examines all of the organizations and stakeholders involved in the discussion regarding the issue and then reaches out to conduct one-on-one meetings with those groups. The goal of this approach is to inform stakeholders of the FWC's plan and the direction they are heading:

Anyone informed who is interested and engaged is likely somehow coming into contact with staff at one level or another. [We] work hard to make sure we're definitely getting quality time with those organizations that are able to give us information and represent larger groups of the public. (AG-02)

This procedure works in the same way as shuttle diplomacy. Shuttle diplomacy is an approach to informal rulemaking procedures that requires the agency to work with individual organizations and groups to discuss their goals in rulemaking (Rinfret, 2011b). FWC's utilization of trap-lining

allows stakeholders to provide their input on the issue to the agency as well as expertise and recommendations to help shape the rule in its development stage.

The most common mode of involvement mentioned by interviewees was public comment during the public FWC Commission meetings:

All of those commission meetings were public meetings where the commission spent hours, literally hours, of testimony from the public. (AG-02)

Every stakeholder interviewed confirmed that they gave public comment at one or multiple Commission meetings where the issue of a proposed bear hunt was on the agenda:

We were going to all the meetings anyways and stating our opinions at that time. (ST-01)

The [stakeholder group] was monitoring and I think we gave comments very early on. (ST-02)

We went over and testified in those last hearing... in support of the bear hunt. (ST-03)

We do work very closely with the agency when there are relevant issues [through providing public comments]. (ST-04)

Stakeholders voiced their opinions regarding the hunt and provided recommendations and alternatives for the proposed hunt. The numbers of comments provided by the public at each of these Commission meetings are summarized in Table 6.

The first two research sub-questions addressed the degree to which FWC provided opportunities for stakeholder involvement and the mechanisms actually used by stakeholders to participate in this case. The last sub-question focuses on stakeholder satisfaction in light of the findings of the first two.

Table 6: Total Number of Public Comments at Each Commission Meeting

Commission Meeting	Total Number of Comments
February 2015	54
April 2015	41
June 2015	76
TOTAL	171

RQ1.3: What is the extent of stakeholder satisfaction with the opportunity for involvement in the rulemaking process?

In addition to the perception of opportunity for involvement in the FWC's rulemaking process to reinstate the hunt for the Florida black bear, interviews with stakeholders were also coded for satisfaction with the opportunity for involvement and the overall outcome of the process. Under the super-code for stakeholder opinions regarding aspects of the rulemaking process (STKOPIN), sub-codes were used to capture specifics such as the satisfaction with the opportunity for stakeholder participation (OPPSAT) and the satisfaction with the policy outcome (DECSAT).

Despite the general consensus among interviewees that FWC provided sufficient opportunities for participation and stakeholders in fact, widely participated, the researcher assessed stakeholder satisfaction with these opportunities. If the public believes as if the agency handled the public participation in a fair, engaging way, then they will attribute a greater sense of legitimacy to the agency. Even if an agency does not rule in a particular way, the public will likely be more understanding and trusting of the agency in the present and future if they feel as though the agency considered their opinions (Squillace, 2016).

At the June 2015 Commission meeting, six Commissioners voted to approve the hunt with the finalized rules, while only one Commissioner voted against it because of the outdated population estimates that were used to develop the harvest objectives ("Summary Report," 2016). Two of the stakeholders that were interviewed were generally satisfied with the outcome. They were satisfied with FWC in their acknowledgement of what they said during public comment:

I think the opportunity to participate was great, I think FWC made an effort to reach out to all of the affected parties, invited us to come testify. (ST-03)

... We didn't get everything we wanted, but with the explanation that was there, we were happy with it. (ST-01)

On the other hand, the two stakeholders who were interviewed were dissatisfied with the policy outcome after having participated in the rulemaking process:

... On other issues that we've engaged on, even when we disagree, there's always been this respectful consideration and this respectful agreement to disagree and that simply was not there [in this case]. (ST-04)

They easily could have postponed the decision making for a year's time to get that updated population science. It wouldn't have probably appeased all of the stakeholders because there were a lot of stakeholders who were opposed on ethics grounds and then the [stakeholder group] even had some other issues from a scientific perspective, but if they had done that, that might have reflected that they were actually considering the public input. (ST-02)

This division in satisfaction with the policy outcome may simply reflect the opinions of these particular stakeholders on the issue of reinstating the hunt. The two stakeholders that were relatively satisfied with FWC's decision to reinstate the hunt had supported the hunt generally. Each stakeholder had minor qualms with the specific conditions for the hunt, but ultimately were supportive of the decision. The two stakeholders that were dissatisfied with the decision opposed the hunt for a variety of reasons. They believed that their reasons for opposing the hunt were overlooked by FWC Commissioners:

So something that [we] thought and also was agreed by a few other people that one of the things that they could have done to acknowledge that they received a lot of public interest, a lot of negative feedback, is to delay the hunt for getting that better scientific information. (ST-02)

Ultimately what people were telling them was we don't want a hunt. And so there was no consideration given to that. (ST-04)

FWC personnel believed that a great deal of the comments given at the Commission meeting were unreasonable. In other words, individuals used the public comments as a way to

voice their emotionally-based opinions about hunting in general and did not address the scientific basis of the hunting proposal:

This was just an opportunity for them to raise negative awareness of hunting now that there was a new piece on the table. I appreciate that some people don't want to hunt or don't care for it or don't think that I should, and that's fine, but on the other hand they've got to respect other people's right to hunt. And I think that's where there was a big disconnect. (AG-01)

There was misinformation that was spread and it was used to whip up the emotions of the opposition. (ST-04)

With respect to comments like this, FWC was in a difficult place to make the best decision that reflected public input, but still adhere to its mission. Agency officials believed that they did do a sufficient job of including the public, but ultimately decided to move forward with the hunt:

The involvement of the public and stakeholders in the decision making and how that translates to good governance in the structure that we have here in Florida, I feel, my opinion is that what we did may not have been perfect, nothing ever is, but I believe the agency did a very good job of involving the public, giving the opportunity and listening and all along the entire way. (AG-02)

Discussion

The results that address each research sub-question can be used to evaluate the broader research question that asks about *the extent to which stakeholders are incorporated in a controversial wildlife rulemaking decision*. In this case of reinstating the hunt for the Florida black bear, it is evident that stakeholders were involved in the rulemaking in multiple ways. At the three relevant Commission meetings, stakeholders gave public comment where they voiced their opinions, expertise, and recommendations for hunting as a wildlife management tool. Stakeholders also communicated with agency personnel via electronic mediums such as webinars, email, and online comments in addition to phone calls, "hallway talks," shuttle diplomacy or "traplining," and informal meetings. These interactions occurred throughout the

entire rulemaking process, from when FWC first proposed the idea of a hunt until the Commissioners voted to approve it.

The most frequently utilized mechanism for public involvement was public comment. It is possible that some interest groups and stakeholder groups knew of the proposed plan before the February 2015 Commission meeting when the plan was first introduced, especially since it was always considered a management option under the FWC's Black Bear Management Plan published in 2012, and engaged with FWC officials outside of public comment. The interviews and public comments analyzed in this research did not fully capture the degree to which stakeholders were involved in the informal rulemaking aspects of this case. Interviewees made it evident that they relied heavily on the public Commission meetings to share their opinions and perspectives about the hunt and briefly stated information interactions.

The consensus on the degree of opportunity for stakeholder participation is representative of a transparent regulatory process in terms of engaging with the public. By providing the opportunity for stakeholders with varying backgrounds, expertise, and priorities to voice their opinions, FWC utilized good decision-making practices. Although the agency is not required to make any changes to its rules after receiving public input, FWC has the potential to incorporate public values into its decision which can improve the quality of the decision, resolve conflict among competing interests, and build a trusting relationship with stakeholders (Beierle, 1998).

Stakeholders were generally satisfied with the opportunity for involvement in the rulemaking process, but not completely satisfied with the policy outcome based on their testimony from the interviews. The reason for this is unclear, but likely reflects the viewpoints of the stakeholders and what outcome they wanted in terms of having a hunt. FWC's involvement

of stakeholders in its rulemaking should help the agency achieve Layzer's claim that stakeholder participation results in a collaborative, consensual, and durable decision (2002).

Even with the extensive opportunities for stakeholder involvement in FWC's rulemaking, some stakeholders claimed that the invitation of public comment was more of a symbolic procedure that the agency is required to conduct and the agency did not actually engage in a meaningful way with the stakeholders. Stakeholders who believe that the agency did not value or incorporate their perspectives or knowledge into the decision often lose trust in that agency. The lack of true deliberation and communication in a public hearing between the agency and the public is an example of a poor decision-making practice and does not provide an opportunity for conflict resolution (Beierle, 1998).

A central argument of the opposition was that the agency did not use the most updated scientific evidence to develop the harvest objectives. To address this concern and how it tied into stakeholder dissatisfaction, FWC could have incorporated a process to develop an Environmental Assessment or Impact Statement which is required under federal law for federal agency actions (42 U.S.C. §4321). This process would ensure that FWC considered alternative ways to address the bear population issues and effects that hunting may have on the human and natural environment.

This chapter sought to better understand the extent to which stakeholders are incorporated in a controversial wildlife rulemaking decision through three specific research sub-questions. The first sub-question investigated *stakeholders' perceived degree of accessible and available agency rulemaking involvement*. Stakeholders believed that there were substantial opportunities to be involved in the rulemaking. The second sub-question assessed the *methods that stakeholders use to participate in agency rulemaking*. There were several ways in which

stakeholders participated including providing public comment at the Commission meetings, participating in stakeholder groups, attending webinars, and submitting written comments via mail and email. The third sub-question explored the *extent of stakeholder satisfaction with the opportunity for involvement in the rulemaking process and policy outcome*. This research found that stakeholders were generally satisfied with the opportunity to participate, but were not satisfied with the outcome when compared to the type of participation venues they utilized.

Incorporating stakeholders into wildlife management decision-making incorporates a variety of values. Stakeholders provide insight into how the public will respond to a rule and allow managers to factor those beliefs and perspectives into their decision to ensure better governance and more effective wildlife management (Decker et al., 2012). Beierle explains that stakeholder involvement can occur on a spectrum, ranging from one-way transfers of information from the agency to stakeholders and vice versa, as well as an open dialogue of exchange between the agency and the stakeholders (1998). Here, stakeholders were involved heavily on both ends of the spectrum. This case exhibited a great deal of one-way information transfers between the agency and the stakeholders. Agency staff relied on informing the public about management objectives and potential management strategies through presentations at the Commission meetings, education and outreach, and online webinars. This communication structure helps the agency educate the public on the issue, increases the transparency of the agency, and facilitates trust in the agency (Beierle, 1998). On the other hand, stakeholders informed agency staff about their perspectives and values mostly through public comments at Commission meetings, in webinars, and via email, phone, and mail. The agency's utilization of one-way transfers of information with the public does not provide for meaningful or interactive

communication (Crow et al., 2016). There was some two-way communication between agency staff and stakeholders through informal meetings and stakeholder groups.

Specifically, the notice and comment phase of rulemaking is important in helping the agency shape the language and content of the final rule (Rinfret, 2011a). Over the course of the three Commission meetings, 171 individuals gave public comments. FWC staff also conducted more outreach than it usually does on rulemaking items due to the issue's controversial nature. This supports West's claim that the extent of controversy surrounding the proposed rule and its potential extent of effects will also influence the type and amount of comment an agency receives (2004).

Stakeholders believed that there was significant opportunity to participate in the rulemaking regarding reinstating the hunt for the Florida black bear. This perception was echoed across all interviewed stakeholders and was evident in the reported stakeholder input from agency personnel. If stakeholders perceive that there is a great deal of opportunity to participate in a wildlife agency's rulemaking, then they are generally more trusting of the agency and willing to participate in future rulemaking (Squillace, 2016).

Participant satisfaction has been a widely used indicator to measure the quality and success of policy processes and outcomes (Coglianese, 2002). In this case, stakeholders were satisfied with the opportunity to participate in FWC's rulemaking. Notwithstanding the extensive opportunity for participation, stakeholders were not completely satisfied with how FWC incorporated their input in the decision. This may be due to the type of participation venues. Some literature indicates that the notice and comment period is an excellent tool in ensuring meaningful engagement with the public to help develop policy (Rinfret, 2011a), while others argue that notice and comment is merely a symbolic process and does not affect the agency's

rulemaking decisions or other participant's perspectives regarding the issue (West, 2004). This is a case where there was great stakeholder satisfaction and utilization of the opportunity for involvement, but low stakeholder satisfaction with the policy outcome, demonstrating the necessity for appropriate avenues of stakeholder participation for an agency to appropriately incorporate stakeholder input into their decision.

However, stakeholder satisfaction does not always correspond to high quality regulatory decisions. Participant satisfaction with the outcome does not necessarily equate with the conclusion that the policy decision is good (Coglianese, 2002). On the other hand, stakeholder dissatisfaction with a policy outcome does not always correspond to a bad policy decision. Although the decision to reinstate the hunt did not satisfy the entire participant, it may have ultimately been the best policy decision in terms of the health and sustainability of the bear population.

Conclusion

The rulemaking process of FWC in the case of reinstating the Florida black bear hunt provided a great deal of opportunity for stakeholder involvement. Extensive participation venues helps agencies incorporate a variety of opinions, expertise, and perspectives on an issue and engage in conflict resolution to ultimately derive a policy decision that is representative of both stakeholders and the agency. However, it must be a priority of the agency to meaningfully engage with the public and not just "go through the motions" of allowing the public to participate. Meaningful stakeholder engagement is crucial in the human dimensions of wildlife management, and agencies have an obligation to their constituents to make policy decisions in a way that values and reflects their input.

Limitations and Future Directions

It must be noted that these stakeholders in this case are not representative of the entire population of stakeholders that were involved in this issue. This study had a small sample size of stakeholders (n=4), so generalities cannot be made about how all stakeholders felt about opportunities for involvement and satisfaction with the policy outcome of reinstating the hunt. Additionally, the individuals who provided public comments at the Commission meetings are not a representative sample of the entire stakeholder population. Factors such as limited resources and a lack of strong, polarized views, may have selected out the subset of the population that was able to and did provide public comment. More research should be conducted to better determine how stakeholders across a wider breadth of opinion, knowledge, and perspective felt about the opportunity to be involved and the decision outcome. Furthermore, a more granular analysis into the specific stages and times at which stakeholders participated informally should be conducted. This will help unveil at which stage of rulemaking are stakeholders more likely to be involved and if that affects their satisfaction with the overall policy process and outcome.

Chapter 4: Results
Evaluating Stakeholder Influence in the Decision-Making Process of Reinstating Hunting for the Florida Black Bear

Introduction

The human dimension of wildlife management is an increasingly important field of study, particularly in the context of controversial wildlife species. Wildlife management has historically been based on the views of hunters and the needs of big game species, but has since shifted toward issues that encompass a broader spectrum of wildlife-related topics (Decker & Chase, 1997). The associated need to involve the public in the decision-making process and policies of wildlife management has grown tremendously in recent years. Different groups of the general public have different concerns and demands regarding wildlife policy and are demanding more influence in the natural resources agencies that deal with the relevant issues (Bath, 1998).

Previous literature indicates abundant information on stakeholder attitudes about certain wildlife species (Lees & Henderson, 1989; Lybecker, Lamb, & Ponds, 2002; Morse, Powell, & Sutton, 2012; Reading, Stern, & McCain, 2006; Zinn & Andelt, 1999) as well as agency management strategies (Licht, Ogden, & Chase, 2009; Luce, 2003; Van Pelt, 1999). However, there is a gap in current literature that connects stakeholders and their influence on the agencies' operation. The literature does not address the extent or degree of influence that stakeholders have on an agency's management process and decision. This is especially true in the case of controversial wildlife species. In many situations, stakeholders hold opposing viewpoints about a particular species, where agreement on a common goal or priority for its management is a challenge (Marshall et al., 2007). In a time where management agencies value the perspectives of stakeholders, a common goal is crucial for the agency to satisfy the concerns of the stakeholders

(Koval & Mertig, 2004). Gaining an understanding of this dynamic is essential to better understand how stakeholders can influence an agency's policy process and outcomes.

Human Dimensions of Wildlife Management

The human dimensions of wildlife is a methodology to use stakeholders to guide decision-making and management technique implementation to address the interactions among people, wildlife, and habitats (Decker et al., 2012). These human-wildlife issues can range from a situation where human behavior negatively affects wildlife, wildlife behavior negative affects humans, or wildlife-focused behavior of humans interacts negatively with other human behavior (Decker & Chase, 1997). To best apply the human dimensions guiding principles to wildlife management, it is essential to understand how interactions between social and ecological systems cultivate human-wildlife interactions and their subsequent effects. By using methods of public engagement and deliberation, wildlife management agencies can identify and understand the impacts of a coupled sociocultural-ecological system and make decisions that satisfy both stakeholder priorities and wildlife management objectives (Decker et al., 2012).

State government wildlife agencies manage wildlife issues and the primary decision-makers are often commissioners and directors (The Wildlife Society, 2010). They are responsible for determining and understanding stakeholders' values and needs and incorporating them into policies and regulations (Decker et al., 2012). A problem for managers is reconciling the needs and wants of stakeholders who hold different perspectives and values regarding their interactions with wildlife. Managers must resolve these competing interests and develop a management strategy that is best suited for all parties. However, managers must be careful not to develop

management strategies having a sole purpose to satisfy the public while disregarding the interest of the wildlife (Decker & Chase, 1997).

Wildlife management incorporates a variety of different elements including sociocultural, ecological, political, and economic components. It is rare that a wildlife issue can be addressed with a simple, easy solution. Wildlife management can be summarized into an iterative process that involves four major steps (Figure 1). These steps include developing objectives and actions, implementing actions through management, evaluating the effects, and achieving management outcomes. All stages of this process require research, monitoring, analysis, decision-making, and readjustment. In order to achieve the most appropriate and effective management approach, wildlife managers must consider the sociocultural, ecological, political, and economic factors and their interactions (Decker et al., 2012).

Incorporating human dimensions into wildlife management is important for several reasons. Human dimensions incorporate values and perspectives and can also inform managers how their agency's constituents will respond to their decisions. Human dimensions can promote managers to consider trade-offs before a decision is made to ensure better governance and more wildlife management (Decker et al., 2012).

Inclusion of Stakeholders in Agency Rulemaking

Because agencies are tasked with developing and passing rules, they often must make decisions that affect a variety of interests. In an environmental context, agency constituents often hold a wide array of interests and priorities, which and they want reflected in an agency's negotiation process and final decision. Public agencies face this challenge of fulfilling their mandated duties while also satisfying the needs and concerns of the public (Beierle, 1998).

The National Research Council found that public participation is a crucial component for effective agency rulemaking. Public involvement ensures that all relevant information from a wide variety of citizens is incorporated and interwoven into the decision and that citizens who will likely be affected by the agency decision are sufficiently informed in order to engage effectively in the process (NRC, 1996). Although public participation is a critical component of agency rulemaking, agencies struggle with employing meaningful ways in which the public can be involved. Public hearings and formal comments are some mechanisms often used, but they fail to construct a productive dialogue between an agency and the public (Beierle, 1998).

Public participation has become a widespread practice in a variety of governmental and regulatory agencies' decision-making. Although public participation can have some negative impacts on the fluidity, length, and efficiency on a rulemaking process, there are several benefits of including the public in rulemaking. Beierle and Cayford have set social goals to promote increased and public participation in an agency's decision-making (2002). They are (1) incorporating public values into decisions, (2) improving the substantive quality of the decision, (3) resolving conflict among competing interests, (4) building trust in institutions, and (5) educating and informing the public.

Often in decision-making, large and powerful parties with vested interests in the issue are actively engaged in the agency's policy process. A "special interest" party or an "interest group" encompasses any joint association of people associated with a company, business, trade association, union, government, or public interest (Kerwin, 2003). Furlong found that many interest groups believed that participation in an agency's rulemaking is a key component of their lobbying and that they were, in fact, influencing the agency's rulemaking (1997). Special interest parties tend to dominate the public participation opportunity and can have a significant influence

on a particular action or policy outcome. By making an effort to draw in stakeholders that are not part of a special interest group, agencies can balance special interests with the public interest. This allows for a final decision that addresses all stakeholder demands and concerns, as well as holds the agency more accountable for its decisionmaking process (Squillace, 2016).

Mechanisms of Public Involvement in Agency Rulemaking

The ultimate goal of public participation in an agency's rulemaking is to improve the quality, legitimacy, trust, and capacity of its decisions (NRC, 2008). There are several ways in which public can be involved in agency rulemaking. Beierle categorizes these into three groups in describing directions of information flows, where informational flows are communication transfers from one party to another (Figure 6) (1998).

The first category of communication between stakeholders and an agency is a one-way transfer of information from the public to the agency. This exists via mechanisms such as focus groups or surveys. The second category is also a one-way transfer of information, but the flow is from the agency to the public in the form of public notices or publicly released information. The third category is a two-way transfer of information where the agency and the public can provide information to each other often in forms of citizen advisory committees or workshops. These three categories represent a spectrum on which stakeholders can be involved in an agency's rulemaking (Beierle, 1998).

When stakeholders inform the agency about their priorities, they provide more information which helps the agency make a more informed decision. This often occurs in the form of public comments at meetings held by the management agency (Beierle, 1998). This mechanism is often criticized by scholars for its limit in providing an area for meaning

participation and can result in agency personnel just “going through the motions” and not actively engaging with the public (Crow, Albright, & Koebele, 2016). When agency officials inform the public of their rulemaking and management, they educate the public on the issue, increase the transparency of the agency, and facilitate trust in the agency (Beierle, 1998).

Stakeholder Involvement in the Context of Wildlife Management

Wildlife agencies are increasingly using stakeholders to influence policy-making and conflict management (Jacobson, Wald, Haynes, & Sakurai, 2014). Wildlife agency managers are finding that they need to increasingly work with a complex interface of sociological and biological forces to address the changing demands of humans living in areas that are closer in proximity to previously undeveloped land and undisturbed wildlife. The general approach should involve stakeholders in the process to include their input in decisions and evaluating outcomes (Decker & Chase, 1997). Combining elements of public trust and good governance can help produce a broad set of governance principles that are ecologically and socially responsible (Decker et al., 2015).

The Influence of Stakeholders on Rulemaking

It is useful to understand how stakeholders can impact an agency’s rulemaking process and in turn have an effect on managing wildlife resources. Stakeholders who are involved in an agency’s rulemaking process want to have some degree of influence or effect on the ruling in question. The literature on stakeholder involvement in rulemaking does not address the extent or degree of influence that the stakeholders actually have on the agency’s management process and decision (Yackee, 2013). Stakeholders and the general public increasingly suspect that there is a

larger capacity for them to influence agency rulemaking in the pre-proposal stage, but there has yet to be evidence of this influence (Crow et al., 2015; Rinfret, 2011a; Rinfret & Cook, 2014; Yackee, 2006).

Agency rule-makers prioritize industry input over public input in their rulemaking procedures (Crow et al., 2015). Yackee found that parties that utilized *ex parte* mechanisms to communicate with agency members were 41 percent more likely to be satisfied with the policy outcome compared to those who did not utilize *ex parte* or “off the record” mechanisms (2012). There are four main reasons that agencies seek out the input of special interest groups specifically. First, these groups provide resources that the agencies may not have themselves. Second, special interest groups have expertise in various disciplines that may provide information that is helpful to agencies for drafting rules. Third, interest groups can serve as a warning system that brings attention to potential issues or consequences regarding the drafted regulation. Fourth, special interest groups can also use their widespread presence to influence public opinion (Yackee, 2006).

There is a general consensus among scholars that special interest groups are often the dominant contributor during an agency’s notice and comment period and can influence the rulemaking process, particularly in the pre-proposal stage (Yackee, 2012). Both agency rule makers and stakeholders see industry as having the greatest potential to influence regulatory decisions (Crow et al., 2015; Yackee, 2006). Some scholars even claim that “participation in agency rule making can be equated with interest group participation in agency decision making” (Yackee, 2006, p. 726). In the same study conducted by Yackee, about 40 percent of participants reported that they had *ex parte* conversations with agency members during the proposal development stage of rulemaking (2012). Yackee concludes that these informal interactions

between the agency and special interest groups can affect the policy outcomes of the discussed rule (2012).

The capacity for stakeholders to influence the rulemaking process of an agency is greatest at the pre-proposal stage (Rinfret & Cook, 2014; Cook, 2014; Rinfret, 2011a). The informal interactions between agency personnel and stakeholders have the greatest influence on the proposed rule (Rinfret, 2011a). Often, there is little that the agency can or will do once the rule has reached the notice and comment phase of rulemaking. It is critical for agencies to build a sense of trust with stakeholders during the pre-proposal phase, since that is when the majority of the language and content of the rule is developed (Rinfret & Cook, 2014).

The pre-proposal stage of rulemaking may vary in the degree of stakeholder inclusion across agencies. Some regulatory processes might be more open to all stakeholder groups, while other regulatory processes are by invitation only. Because rules rarely change significantly between draft and final stages, stakeholder influence in the pre-proposal stage is a key factor in developing the substance of a rule (Crow et al., 2015). However, one study found that a governmental agency did not favor one stakeholder group over another in the pre-proposal phase of rulemaking. This implies that agencies seek out a balance in hearing stakeholders at this stage and a variety of stakeholders have the ability to influence rulemaking (Rinfret, 2011c; Cook, 2014).

Public comments rarely influence regulatory outcomes (Crow et al., 2015). Shapiro and Borie-Holtz compiled a large set of studies and found that many of the regulations in those studies received extensive public comment, but very few regulations actually changed to reflect those comments (2013). However, it has been found that special interest groups that submit

comments during an agency's notice and comment period did influence regulation (Yackee, 2006).

In addition to interest groups having a significant influence on agency rulemaking, other actors, including the legislature and the governor, can have an impact (Woods, 2009). Agency staff can also play a significant role in the agency's rulemaking. This is due to staff roles in developing draft rules and advising agency decision-makers (Crow et al., 2015).

Rule Changes as a Result of Public Involvement

West found that any changes made to rules between the proposed version and the final version are generally relatively inconsequential to the overall purpose or intent of the rule (2004). These changes can include minor language clarifications and are rarely substantive or regulatory changes. If significant changes do occur, they are usually not a reflection or result of public comment (West, 2004). In an analysis conducted by West, it was found that of 28 proposed rules that were controversial, only about 57 percent had meaningful amendments or edits. Information provided by the public to agency staff during public comment can directly result in amendments to proposed rules. The degree to which agencies respond to public comment is often tied to political considerations that overshadow or control a broader rulemaking climate than just public comments (West, 2004).

Summary

There is extensive literature on how agencies can ensure good decision-making practices through facilitating stakeholder input in a meaningful way (Beierle, 1998; Squillace, 2016). By incorporating different mechanisms of public participation, wildlife management agencies can

develop and implement rules and policies that appropriately address the varying stakeholder values in addition to the wildlife management goals (Decker & Chase, 1997). However, it is important for stakeholders to not only be able to participate in agency rulemaking, but have a genuine impact on the management decision (Yackee, 2013). It is surprising that agencies do not always engage in a way in which stakeholders can have an influence in their regulatory processes. This project uses data from the state wildlife agency in Florida during its rulemaking process to reinstate a hunt for the Florida black bear to evaluate the rulemaking process and outcome in relation to stakeholder influence. The study uses (1) interviews with agency personnel and stakeholders regarding opportunity, involvement, and satisfaction of stakeholders throughout the decision-making process (Rubin & Rubin, 2005), (2) agency documents to assemble a timeline of the case, (3) public comments to gather stakeholder values and perspectives, and (4) original, draft, and final rules to assess changes made regarding the case (Miles & Huberman 1994). These data allowed for an in-depth case study of the role of stakeholders in the Florida Fish and Wildlife Conservation Commission's (FWC) rulemaking process for reinstating the hunt for the Florida black bear.

Research Questions

To better understand how stakeholders influence agency rulemaking, this study addresses the following research question and sub-questions:

Research Question 2 (RQ2): What influence do stakeholders have on an agency's rulemaking process in the context of controversial wildlife management decisions?

Research Sub-Question 1 (RQ2.1): Do agencies make any changes to rules throughout the decision-making process that reflect stakeholder input?

Research Sub-Question 2 (RQ2.2): Do stakeholders believe that agencies take stakeholders' opinions into consideration during the decision-making process?

The research question and sub-questions allow for an in-depth analysis of the impact that stakeholders may have on the regulatory process of a state wildlife agency's decision-making.

Methods

This project focuses on a case study of the Florida Fish and Wildlife Conservation Commission's (FWC) rulemaking process to reinstate the hunt for the Florida black bear in 2015. An in-depth case study allows for a deeper understanding of an issue by incorporating multiple data sources to preserve the meaning and significance of the actual events (Yin, 2003). The case of FWC's process and decision to reinstate the hunt for the Florida black bear in 2015 was selected because of the widespread public attention and notoriety it received in addition to it falling under the umbrella of human dimensions of wildlife which is a useful context to study public involvement (Decker et al, 2012).

This project uses data from FWC, the state wildlife agency in Florida, during its decision to reinstate a hunt for the Florida black bear to evaluate stakeholder influence in FWC's rulemaking process. Data were collected from two sources. First, semi-structured interviews were conducted with agency personnel and stakeholders to gather information on perspectives of management throughout the decision-making process pursuant to the guidelines set by Rubin and Rubin (2005). This method was chosen because of its flexibility to allow the interviewer to adjust questions and ask for clarifications. This also allowed for a more informal, fluid conversation to help comfort the interviewee instead of giving the impression of an interrogation, which is particularly important when dealing with a controversial topic (Rubin & Rubin, 2005).

The interviews were used to capture any form of communication or interaction between stakeholders and FWC personnel regarding their perspectives on the opportunity and receptiveness of the FWC of stakeholder involvement. Interview questions were designed based on the major research objectives and sub-questions (Table 7).

Table 7: Sample Interview Questions for Stakeholder Influence

Agency Personnel

- 1) After receiving input from outside groups and citizens, do you think the FWC (or FWC personnel) generally makes any significant changes to the draft rules?
 - a. Do you remember how the rules were originally drafted in terms of input/information that went into them? How did those draft rules change once input from outside groups and citizens was considered? Was the change significant?
 - b. Is this typical or were there more/fewer changes in this case?
 - c. Do you think the FWC learned anything with regard to how to deal with outside groups based on this particular process?

Stakeholders

- 1) After receiving input from your organization and other outside groups and citizens, do you think the agency or Commissioners made any significant changes to the draft rules or conditions for the hunt?
 - 2) Do you remember how the rules were originally drafted in terms of input/information that went into them? How did those draft rules change once comments made by your organization, other organizations, and the public were considered?
 - 3) Do you think that this decision was a result of your or other group's involvement in the FWC's decision-making process?
-

Agency officials that were interviewed were selected from an online list of agency personnel and were initially contacted via e-mail. Representatives from the various stakeholder groups who were actively involved in one or more meetings were identified from the minutes of public meetings. Additional online searches were conducted to find contact information for these individuals and initial contacts were made via e-mail. Snowball sampling was also used when the researcher had difficulty choosing potential interview subjects or the selected subjects were unreachable. Snowball sampling is a useful method in which the researcher begins with research

subjects that are easy to contact and asks that person for recommendations for people to contact next (Auerbach & Silverstein, 2003). After the interviews were completed, the recorded files were transcribed by the researcher.

Second, agency documents were collected and assembled to create a timeline of the case and to examine the extent of stakeholder involvement in the agency's decision-making process. These data allowed for an in-depth case study of how stakeholders are incorporated in the agency's rule-making process. All available documents related to the decision-making of the agency directly related to reinstating the Florida black bear hunt were gathered and analyzed. This included all management plans, management protocols, records of management decisions, and agency meeting agendas and minutes.

Third, public comments were compiled from three relevant public meetings that occurred in February, April, and June 2015. Public comments were obtained from the recorded minutes as well as audio recordings from each meeting. Public comments capture the number and type of stakeholders involved in the notice and comment period of rulemaking in addition to their view on reinstating the hunt for the Florida black bear.

Finally, original, draft, and final black bear hunting rules were compiled. These rules included anything related to hunting processes overall for the state of Florida, to specific changes regarding bear hunting. Rules were checked for any significant changes made throughout the process while the FWC received stakeholder input.

Data Coding and Analysis

Recorded interviews were transcribed in the format of "intelligent verbatim" which removes unnecessary filler words (e.g. "um," "er") but leaves the rest of the words unaltered.

This allows for a more fluid reading of the interview which, in turn, allows for a better understanding. Interviews were coded using a systematic coding scheme to qualitatively analyze the study variables. Qualitative analysis (Auerbach & Silverstein, 2003) was conducted using the software NVivo to maximize consistency of coding and analysis, and to assess similarities and differences among stakeholders and variables. To analyze the coded data, a search for patterns across units of analysis was used to develop the findings outlined below (Miles & Huberman, 2013).

The researcher developed eight super-codes that each contained between three and nine sub-codes to categorize quotes from the interviews. Super-codes represented broad scale themes and sub-codes represented more specific categorizations within their respective super-code (Table 1). If any information from the interview did not match any particular sub-code, then it was placed in the general super-code category. Intra-coder reliability was ensured by the researcher reading each interview transcript several times and focusing on each super-code individually each time (Krippendorff, 2004). Each interviewee was assigned an alpha-numeric code that represented the type of interviewee (e.g. agency personnel or stakeholder) and the order in which the interviews were conducted. For example, the code (AG-01) corresponds to the first interview conducted with an agency official and the code (ST-02) corresponds to the second interview conducted with a stakeholder.

Public comments were coded quantitatively using Krippendorff's model (2004) to capture basic information about the individual participating. The categories of codes used included stakeholder group name, category (e.g. individual, environmental, animal rights, hunting) and position regarding the hunt (e.g. pro-, anti-), and any additional open-ended notes to clarify position or comment given. These codes were used in order to detect patterns in the type of

stakeholders involved in the notice and comment period of this rulemaking and to make any connections with the satisfaction with the regulatory process and outcome.

A codebook for rule changes was developed based on the variables and data using Krippendorff's model (2004). Rules were coded for the type of document (e.g. original, draft, final), the date of issuance, word count, number of words changed, and the types of changes, if applicable. Types of changes to the rules included several possibilities including changes to word choice, technical feasibility, nature of enforcement/process, and addition of information on the topic of regulation.

Basic statistics were used to interpret the quantitative data. A chi-square test was conducted to determine if the proportion of a position on the hunt (e.g. pro- or anti-) was the same across stakeholder types. A t-test was conducted to compare the means of public comments given in support of the hunt and in opposition to the hunt at the three public Commission meetings.

Case Study

The FWC Commissioners, who have the ultimate rule-making authority in FWC, meet five times a year and the public can provide comments and testimony on items both listed and not listed on the formal agenda. The seven appointed Commissioners are fully responsible for enacting regulations and rules regarding fish and wildlife ("Commission," n.d.). The Florida Open Meetings Law, also known as Florida's Sunshine Laws, requires that the Commissioners are only allowed to discuss the fish and wildlife issues in a public "open-meeting" setting (Fla. Stat. §286).

The Florida black bear, *Ursus americana floridanus*, is a subspecies of the American black bear. There is an estimated population of 4,000 bears living in the state of Florida (Humm, McCown, Scheick, & Clark, 2016). Florida's human population has grown tremendously in recent years, resulting in urban sprawl that has been encroaching on bear habitat (Figure 2). The loss of habitat and the increase in the human population have contributed to more frequent and severe interactions and conflicts between humans and bears. Bears are entering neighborhoods because they are drawn to poorly stored garbage, bird seed, dog food, and other attractants ("Black Bear Behavior," n.d.).

FWC first initiated black bear hunting in 1936. After a decline in the bear population, FWC closed the hunting season in several areas in the state in 1971, but kept it open on some national forest lands ("Florida Black Bear", n.d.). The hunt continued even as the Florida black bear was listed as "Threatened" in the state of Florida in 1974 (Garshelis, Scheick, Doan-Crider, Beecham, & Obbard, 2016). The hunting season throughout Florida ultimately closed in 1994. FWC proposed reinstating the hunt in 2015 to help stabilize the large and resilient bear population at the February 2015 Commission meeting ("Florida Black Bear," n.d.). There was extensive public opposition, but FWC proceeded with the hunt (Funcheon, 2015). Draft rules for the hunt were proposed at the Commission meeting in April 2015, and the hunt with the finalized rule was approved at the Commission meeting in June 2015 (Figure 4).

Results

This study broadly seeks to understand the capacity that stakeholders can influence state agency rulemaking in the context of controversial wildlife management decisions. These results address the following specific research question:

***RQ2:** What influence do stakeholders have on an agency's rulemaking process in the context of controversial wildlife management decisions?*

This research seeks to understand the capacity in which stakeholders can influence agency rulemaking process and decision by evaluating the perspectives of the involved stakeholders, and if the agency made any significant changes to the rules that reflected stakeholder input. Before the two sub-questions can be addressed, it is important to first identify the values and perspectives that the various stakeholders held regarding the management of Florida black bears.

Stakeholder values, knowledge, and perspectives regarding the management of the Florida black bear were measured using a quantitative coding scheme of public comments and a qualitative analysis of interviews conducted with four stakeholders. Individuals who gave public comment at the three Commission meeting were classified based on their primary interest. If individuals spoke on behalf of an organization with a primary focus on environmental issues, then they were categorized as a "representative from an environmental group." Environmental groups could include any type of organized interest including, but not limited to environmental non-profits, outdoor recreational tour guide companies, wildlife centers, or environmental coalitions. If individuals spoke on behalf of an organization with a primary focus on hunting, then they were classified as a "representative from a hunting group." If individuals spoke on behalf of an organization with a primary focus on animal rights, then they were classified as a "representative from an animal rights group." Finally, if individuals were speaking with no affiliation with a group or organization, then they were categorized as "citizens." Public comments for each stakeholder type were also grouped into two major categories: pro-hunt or anti-hunt. There were some stakeholders that had a more nuanced position on the hunt with

caveats, or simply supported or opposed the hunt under certain conditions. These were included in the pro- or anti- hunt categories with which position they identified more closely. The stakeholder type and position on the hunt of individuals who gave public comments are summarized in Table 8. At the February 2015 Commission meeting where a hunt was first proposed as a management strategy, 54 individuals gave public comment. Of these, 19 were representatives from environmental groups, 10 were representatives from hunting organizations, three were representatives from animal rights groups, and 22 were citizens representing themselves. Of the total number of comments given, 42.6 percent were in support of the hunt and 57.4 percent were in opposition to the hunt. At the Commission meeting in April 2015, an FWC staff member proposed the draft hunting rules and the Commissioners voted to move forward with the hunt. At this meeting, 41 individuals gave public comment. Of those, six were individuals affiliated with an environmental organization, seven were individuals affiliated with a hunting group, four were individuals affiliated with animal rights groups, and 24 were citizens representing themselves. Of the total number of comments, 39 percent were in favor of the hunt and 61 percent opposed the hunt. At the final Commission meeting in June 2015, 76 individuals gave public comment. Of those, eight were from environmental groups, six were from hunting groups, two were from animal rights groups, and 60 were citizens representing themselves. Only 18.4 percent of comments supported the hunt and 81.6 percent opposed the hunt.

The percentage of people who gave comments that opposed the hunt was greater than the percentage of people who gave comments that supported the hunt. The discrepancy between the percentage of the public that supported and opposed the hunt became greater as the final hunt rules neared final approval. However, results from the t-test indicate there was no significant difference between the mean number of individuals who gave comment in support of the hunt at

the three Commission meetings ($M = 17.67, SE = 2.72$) when compared to the mean number of individuals who gave comment in opposition to the hunt ($M = 39.33, SE = 11.46$), $p = 0.19$.

Table 8: Number and Type of Public Comments Given at Each Commission Meeting

Commission Meetings (2015)		February		April		June		
Position on Hunt		Pro	Anti	Pro	Anti	Pro	Anti	TOTAL
Stakeholder Type	Environmental Group Representatives	4	15	3	3	1	7	33
	Hunting Group Representatives	10	0	7	0	6	0	23
	Animal Rights Group Representatives	0	3	0	4	0	2	9
	Citizens	9	13	6	18	7	53	106
TOTAL		23	31	16	25	14	62	171

A chi-square test was also conducted to determine whether the same proportion of individuals with pro- vs. anti-hunt positions at each of the three Commission meetings could be predictive. The chi-square test determined that the positions were not equally distributed at each meeting, $X^2(2, N = 3) = 10.24, p = 0.068$. This means that the number of people who gave public comment in support of the proposed hunt is not significantly different at each of the three Commission meetings.

A second chi-square test was conducted to determine the positions on the proposed hunt within each stakeholder type. For this test, stakeholders were divided into two groups: interest groups and citizens. The chi-square test indicated that the position on the proposed hunt were significantly different between interest groups and citizens, $X^2(1, N = 2) = 13.66, p = 0.003$. Individuals who represented a special interest group when they provided their public comments were more evenly split between supporters and opponents of the hunt, while individuals who did

not speak on behalf of a special interest group provided more comments in opposition to the hunt.

Last, a t-test was conducted to determine if there was a significant difference between the means of representatives of interest groups and unaffiliated citizens who provided public comments at the three Commission meetings. This distinction was made to determine if this study supports claims from previous literature that interest groups are the dominant participant in the notice and comment phase of agency rulemaking. This t-test found that the mean of comments given by interest group representatives ($M = 21.67, SE = 5.17$) was not significantly different from the mean of comments given by unaffiliated citizens ($M = 35.33, SE = 12.35$), $p = 0.37$. Although not statistically significant, this result demonstrates that the greater mean of comments provided were from citizens and not individuals who were affiliated with a special interest group.

Some of the viewpoints regarding the hunt were reflected in the interviews conducted (Table 9). Two of the interviewees generally supported the hunt, while two others opposed the hunt. The individuals in support of the hunt wanted to fulfill their duty as sportsmen and believed it was in the best interest of maintaining a healthy Florida black bear population:

We, as sportsmen, we always say if the science shows it, and it's sustainable, then we would like the opportunity to harvest bears. Well harvest a species. And that's with any of them. (ST-01)

And one of the things that I talk about is the fact that hunting is a management tool for population control for wildlife. When animals reach their carrying capacity on the land, then basically the population of the animal, of the wildlife, suffers unless there is some method to control the number of animals. (ST-03)

However, there were some sportsmen that were unhappy or dissatisfied with the hunt:

We had hunters who didn't agree with the bear hunt either. There was a percentage of the hunt people that had hunting licenses that didn't use them. (ST-01)

There were aspects of the hunt that not all hunters supported because even within the hunting community, there are differences among preferences and practices. For example, Commissioners debated at the meetings whether or not dogs or baiting should be allowed. Hunters may hold opposing viewpoints on these issues and ultimately when FWC makes a decision regarding the specifics of the hunt it is likely that some hunters will not be satisfied.

The interviewees that were opposed to the hunt expressed a strong concern about the outdated bear population estimates that were used to develop the harvest objectives. They argued that these population estimates, some dating back to 2002, were now inaccurate and that FWC should wait for the updated population estimates to be released in 2016 before proposing a hunt:

We were opposed to the hunt during the 2015 and 2016 seasons for a couple of different reasons. The first year, I would say our biggest message was that they did not have the updated population estimates. They were relying on, for most of the subpopulations, like 2002 data. (ST-02)

...while our members did not want to see bears hunted, we're a science-driven conservation organization and there is science out there suggesting that the bear population could likely sustain some take but we were not happy with the way that it was proposed. (ST-04)

There was also a concern about the connectivity between the different geographic subpopulations of the bears. Some subpopulations were more robust while others were struggling to maintain healthy, sustainable numbers. One bear subpopulation in the South Bear Management Unit (BMU) was open to hunting, while another imperiled subpopulation in the nearby South Central BMU was closed to hunting. These two subpopulations are close in proximity and it is likely that there is some gene flow between them that would help sustain the imperiled subpopulation (Figure 5). There is also likely migration and movement between these two subpopulations so it would be difficult or impossible to know whether a bear is taken in the

region open to hunting during is not a bear that traveled from the imperiled subpopulation. One interviewee argued:

So we wanted to have them do a better job of analyzing if hunting was to take place basically a few miles away in Hendry County, would it have any negative effects on that bear subpopulation or if you're taking bears that are down here in the Big Cypress area that maybe otherwise would have acted as a source for the imperiled population. (ST-02)

Another stakeholder argued that the purpose of the hunt was to mitigate the increasing human-bear conflicts in neighborhoods, which should be addressed in other ways. Hunting was proposed as just one component within the “toolbox” of managing bears. With the more frequent and increasingly dangerous interactions between bears and humans, FWC claimed that a more stable bear population may be a helpful way to minimize those negative interactions.

Interviewees argued against this point:

And there is no scientific support to that claim and in fact, the number one way to minimize the conflicts is to deal with the trash or other attractants. So our point, and the point of others, was to say should this be your highest priority issue is dealing with trash and attractants. The hunt is going to detract from those efforts. (ST-02)

The way that the then chairman was pinning the needs for a hunt on public safety issues was biologically indispensable and frankly that offended us because we need our state wildlife agency to be making those decisions based on science not on rhetoric. (ST-04)

Having a better understanding of the various values of stakeholders that participated in the rulemaking of reinstating the hunt for the Florida black bear is useful in assessing the two research sub-questions. First, this investigates whether FWC made any changes to their rules having heard from the stakeholders that hold these perspectives, and second, whether stakeholders were satisfied with their influence on the policy outcome. These questions help focus this analysis on themes related to stakeholder influence in agency rulemaking as mentioned above. Analysis for each sub-question is detailed below.

RQ2.1: *Do agencies make any changes to rules throughout the decision-making process that reflect stakeholder input?*

One way to determine whether FWC utilized stakeholder input to analyze changes made to the rules related to hunting Florida black bears. All of the rules made to reinstate the hunt were amendments to existing hunting rules that were modified to now include information about bears. FWC staff stated that rules can change as a result of public input:

There's additional outreach to the public to gain stakeholder input, these little changes that were made would be implemented and then presented at the next meeting for final decision and final rule. (AG-02)

In this case, however, it did not appear that significant changes were made, especially any that reflected input from public comments. There were a total of 17 rules that were changed for this case, ranging from rules outlining definitions to rules delineating specifics about the length of the hunting season. In some rules, the addition of this information required the renumbering or restructuring of the rule formatting, as well. For example, one line that was added to a rule to include the definition of a cub bear which taking is prohibited under the bear hunt:

(25) Cub bear – A bear that is less than 100 pounds whole (ungutted) or less than 75 pounds eviscerated (gutted) weight. (Rule 68A- 1.004, Article IV, Section 9, Florida Constitution)

A line in another rule established that bears are only legal to take during the assigned hunting season in a specific BMU:

1. Bear - During the open season established for the East Panhandle BMU in Rule 68A-13.004, F.A.C. (Rule 68A- 17.005, Article IV, Section 9, Florida Constitution)

Table 9. Positions on the Hunt as Identified by Interviews

Position on the Hunt	Argument	Relevant Quotations
Support	Sustainable for the bear population	<p>“So it’s [the bear population] recovered greatly and we know, hunters know, that any time the species, and it’s sustainable, and hunting is one of the tools that can be used for managing it” (ST-01).</p> <p>“The answer to controlling the bear population is not more car accidents or euthanasia by FWC biologists... hunting is a management tool for population control for wildlife” (ST-03).</p>
	Opportunity to fulfill duty as sportsmen	<p>“We, as sportsmen, we always say if the science shows it, and it’s sustainable, then we would like the opportunity to harvest bears” (ST-01).</p>
Oppose	Harvest objectives based on outdated population estimates	<p>“They were relying on, for most of the subpopulations, like 2002 data” (ST-02).</p>
	Subpopulations open to hunting have connectivity with imperiled subpopulations	<p>“So we wanted to have them do a better job of analyzing if hunting was to take place basically a few miles away... would it have any negative effects on that bear subpopulation” (ST-02).</p>
	Hunting is not a solution to mitigate human-wildlife conflicts	<p>“And there is no scientific support to that claim and in fact, the number one way to minimize the conflicts is to deal with the trash or other attractants” (ST-02).</p> <p>“The way that the then chairman was pinning the needs for a hunt on public safety issues was biologically indispensable” (ST-04).</p>

Interviewed stakeholders that supported the bear hunt (ST-01 and ST-03) made it clear that in fulfilling their duty as sportsmen, they would appreciate the opportunity to hunt as long as it is done sustainably. The rule change that specifies the weight limit of a cub bear is important in addressing the concerns of the stakeholders to ensure a sustainable bear hunt. The second rule change that specifies that a legal take can only occur in a specific BMU is also important in that it limits where hunting is permitted, so as to not negatively affect a subpopulation that is imperiled. By specifying in the rules that the taking of a cub bear is illegal and hunting can only occur in specified areas ensures the hunt is done sustainably to prevent negative impacts on the persistence of the population.

Despite continued stakeholder participation between the time the draft rules were proposed at the April 2015 Commission meeting and the time that the final rules were proposed and adopted at the June 2015 Commission meeting, there were minimal changes made to those rules. Out of a total of 17 rules that were amended, only 8 had minor modifications since the draft version, some of which were changes that did not apply to the bear-related sections. These modifications included fixing numbering or adding or removing words like “and.” This supports the claim previously stated that there are little changes made to draft rules once they are proposed. The greatest capacity to influence substantive content of rules occurs in the pre-proposal stage (Rinfret & Cook, 2014). The changes made to the rules before they were proposed were not accessible for this research, nor did interviewees mention anything about influencing the rules before they were proposed in April 2015. The only rule that resulted in a major change between the draft and final versions was the change that dictates the length of the bear hunting season. There were two versions of the draft rule proposed at the April 2015 meeting: one with a 5-day hunt and one with a 7-day hunt. Ultimately, the 7-day hunt was the version that was

proposed as the final rule at the June 2015 meeting with the option for early termination of the harvest objective was met early. Table 10 summarizes select rules, their amendments as proposed draft rules, and the approved final rules for this case changes and how they correspond to various stakeholder beliefs from public comments.

***RQ2.2:** Do stakeholders believe that agencies take stakeholders' opinions into consideration during the decision-making process?*

This sub-question was addressed through the interviews conducted with the stakeholders that participated in the rulemaking process of reinstating the hunt for the Florida black bear. Despite the position each interviewee had on the hunt, virtually all mentioned that FWC did not meaningfully consider their opinions in making the decision to move forward with the hunt. There was a general agreement that FWC “already knew what they wanted to do” and were unwilling to make changes to its decision. There were several claims that there were underlying political factors that played a bigger role in the Commission’s ultimate decision:

I think it was basically the dog and pony show that they had people basically standing up and talking that they had already made up their minds. (ST-03)

The chairman wanted a hunt. Certain elements within the commission wanted a hunt and nothing was going to sway them from having a hunt. (ST-04)

... ultimately the overwhelming majority of the comments that they received were opposed to the hunt and I don't think that they really changed their proposal to reflect that majority opinion. (ST-02)

One interviewee stated that these underlying political factors undermined the credibility of the agency:

There was just this dogged devotion to the rhetoric that the chairman had staked down and I thought that that ultimately they impeached their biological credibility by doing that. (ST-04)

Table 10: Important Rules, Rule Changes, and Relevant Public Comments

Rule³	Draft Rule	Final Rule	Related Public Comments
Baiting (Rule 68A-12.002)	Baiting is prohibited	Baiting is prohibited	<ol style="list-style-type: none"> 1. Unethical 2. Poor sportsmanship <ol style="list-style-type: none"> 1. Concerned if harvest objectives can be met without baiting 2. Successfully used in Canada
Use of Dogs (Rule 68A-12.007)	Use of dogs is prohibited	Use of dogs is prohibited	<ol style="list-style-type: none"> 1. Poor sportsmanship 2. Cruel/unnecessary harassment of bears <ol style="list-style-type: none"> 1. Easier to determine sex and age of bear 2. Useful for tree and release of bears 3. Concerned if harvest objectives can be met without the use of dogs
Price of Permits (Rule 68A-9.007)	Resident permit = \$100 Non-resident permit = \$300	Resident permit = \$100 Non-resident permit = \$300	<ol style="list-style-type: none"> 1. Lower price for resident permit 2. Meet national average of \$50 for resident permit
Glades/Highland Areas (Rule 68A-13.0001)	Exclusion of areas with connectivity to imperiled sub-populations	Exclusion of areas with connectivity to imperiled sub-populations	<ol style="list-style-type: none"> 1. Exclude imperiled Glades-Highlands Area
Length of Hunting Season (Rule 68A-13.004)	5-day hunting season -or- 7-day hunting season	7-day hunting season, with option for termination if objectives are met early	<ol style="list-style-type: none"> 1. One week is even too short of a hunting season 2. Opposition to 5-day hunt 3. More days of the hunt for regular gun season on hunting on Wildlife Management Areas

³ All rules are included in Article IV, Section 9, Florida Constitution

FWC's mandate is to manage "fish and wildlife resources for their long-term well-being and the benefit of people" ("Agency Strategic Plan," 2014). By falling victim to political discourse FWC may not be sufficiently fulfilling its mandate.

One interviewee put forth a recommendation for FWC that would have reflected a deeper consideration of the public input in their decision:

They easily could have postponed the decision making for a year's time to get that updated population science. It wouldn't have probably appeased all of the stakeholders because there were a lot of stakeholders who were opposed on ethics grounds and then the Conservancy even had some other issues from a scientific perspective, but if they had done that, that might have reflected that they were actually considering the public input. (ST-02)

This stakeholder claims that there were ways in which FWC could have addressed some stakeholder concerns without completely dismissing the idea of a hunt in the near future.

One stakeholder, however, seemed to understand the difficulties of incorporating the public's demands into this decision:

And we said they dog hunters aren't going to be happy, but we can wait til next year or the year after, but we wish it was more than a week, but we understand what's going on. So we were happy that they were going to have a hunt at all. And we've learned that you can ask for a million things and if you settle for 100, you're happy. It's all compromise. (ST-01)

This is a more forgiving opinion about FWC's decision, claiming that everything is a compromise and everyone's demands are likely not all going to be fully addressed.

The interviewed agency officials were adamant that they listened to and acknowledged all stakeholder input and the Commissioners made the best decision that they could. Their decision had to reflect not only the public's input, but also the scientific and social factors:

They [the Commissioners] sit through hours, of sometimes very hostile testimony, and then they make a decision that they think is best based on the science, the social dynamics, and everything else they weigh and they're doing the best they can. (AG-02)

Agency staff explained that understanding stakeholder perspectives was an important component in the rulemaking process. It is the staff's job to bring forward recommendations to the Commission after compiling relevant research in addition to public input:

...a lot of staff worked to try to understand what all of our different stakeholders and the public were saying and do our best to bring that to the commissioners and take that to their direction. (AG-02)

So ultimately, even though there was significant public outcry against the reinstatement of the hunt for the Florida black bear, FWC believed that they were making the most appropriate management decision. FWC staff and Commissioners believed that a great deal of the arguments used by the public in their comments made at the Commission meetings were unreasonable. Therefore, FWC had to make a decision that reflected some of these positions, but ultimately had to make a decision in the best interest of the wildlife as well as the public.

Discussion

The results that address the specific research sub-questions can be used to evaluate the broader research question of the extent to which stakeholders can influence the rulemaking process in the context of a controversial wildlife management decision. In this case of reinstating the hunt for the Florida black bear, it is evident that stakeholders had varying opinions and perspectives. Public comments demonstrated that stakeholders both supported and opposed the hunt as it was proposed. There were also more citizens that gave public comments than special interest groups. This could be due to the fact that interest groups were involved in the process during the pre-proposal stage and therefore did not participate in the notice and comment stage, however this claim was not able to be investigated in detail.

The sample of interviews for this research was split evenly between supporters and opponents of the hunt which is not representative of all stakeholders that were involved in this rulemaking process. At each Commission meeting, there were more opponents of the hunt than supporters present. Opponents were more vocal throughout the whole process, even holding rallies and protests. However, it is possible that more opponents than supporters were active in the decision process, as reflected in the distribution of supporters/opponents in the public comments. It is important to note that the subsection of the public that did participate in this rulemaking is also not representative of the public as a whole due to constraints on participating such as resource and time availability and lack of education.

There were minimal changes made to the rules regarding bear hunting as evident in the coding analysis. This is typical of rulemaking proceedings, in general, in that most modifications occur in the pre-proposal stage before draft rules are developed (Rinfret & Cook, 2014). While FWC received public input between the draft and final rules, this was not reflected in any changes made to the rules.

Some stakeholders claim that the agency's use of public comment was more of a symbolic procedure that the agency is required to undergo and FWC did not actually incorporate the public's input into the decision. Furthermore, the agency did not adequately respond to the public comments it received. This is dangerous because stakeholders who feel as if the agency did not value or incorporate their perspectives or knowledge into the decision will lose trust in that agency. The lack of true deliberation and communication in the meetings between the agency and the public is an example of a poor decision-making practice (Beierle, 1998). However, the controversial nature of this issue did change how FWC staff and Commission approached the issue. There were instances of emotional testimony and personal attacks on the

Commissioners that the Commission may have dismissed. This raises the question of whether or not the Commission should have given equal weight to value-based or emotional testimony over factually-based testimony when inviting public comment.

The consistent claim among interviewees was that underlying political factors were paramount in the decision made by the FWC Commissioners. The chairman of the Commission and the governor of Florida were some of the powerful players who favored having a hunt. Stakeholders claimed that the arguments they presented to the Commission in addition to the extensive public protest were not going to change the pre-determined decision of the Commission; there was going to be a hunt and it was just a matter of what the elements of that hunt would include. Agency officials claimed, however, that the Commission believed that they had to make the most appropriate decision for the wildlife. Perhaps their devotion to the health and sustainability of the bear population (based on the old population estimates) in addition to maintaining human safety took priority over the arguments against reinstating the hunt.

This chapter sought to answer the research question of the influence that stakeholders have on an agency rulemaking in controversial wildlife management decisions. In answering this broad question, two sub-questions were used to narrow the focus and better understand the components of stakeholder influence on agency rulemaking. The first sub-question investigated *rule changes as a result of stakeholder input throughout the decision-making process*. The state wildlife agency of Florida's decision to reinstate the hunt for the Florida black bear was used as a case study to determine if that agency made any significant changes to the rules related to the bear hunt after having heard the public's opinions. This research confirmed that the agency did not make any significant changes to the rules that reflected stakeholder input after the draft rules were developed. FWC officials may have considered stakeholder input when they first drafted

the rules, but little to no changes were made between the draft and final versions of the rules. The second research sub-question focused on *the perception of stakeholders if agencies take their opinions into consideration during the decision-making process*. The results from this case study suggest that stakeholders generally believed that FWC did not meaningfully incorporate stakeholder input in the rulemaking.

The Governor of Florida and the Chairman of the Commission both wanted to reinstate hunting for the Florida black bear, and no amount of public opposition was going to affect that final decision. This case supports the current literature that powerful political players often play a significant role in agency rulemaking. Powerful political elite may hold more weight in agency decision-making and can undermine public participation, regardless of its extensiveness (Crow et al., 2015; Rinfret, 2011a; West, 2009).

Surprisingly, special interest groups were not the dominant participant in the notice and comment phase of this rulemaking. There were more citizens who provided public comments at each individual Commission meetings, even though there was not a significant difference in the mean of the number of participants from each stakeholder type over the course of the three meetings. This contradicts current literature that suggests that organized interest groups tend to be the dominant contributor at all stages in agency rulemaking (Rinfret, 2011a).

Previous literature also indicates that changes made to rules between the proposed version and the final version are relatively inconsequential to the rule's overall purpose or intent. These changes can include minor language clarifications and are rarely substantive or regulatory changes. If significant changes do occur, they are usually not a reflection of public comment (West, 2004). The results from this study are consistent with prior conclusions that rule changes often do not reflect input from the public.

Although stakeholders were satisfied with the policy process, there was a great deal of dissatisfaction with the policy outcome. Appointed agency managers (e.g. FWC Commissioners) may be more susceptible to pressure or demands from interest groups which can result in perceived or true bias that the agency favors the special interest parties over the public as a whole (West, 2009). This may explain what was exhibited in this case study. Off-the-record conversations between agency officials and special interest groups may have been more influential in determining the construction of the hunting rules, rather than the input gathered from the public via public comments. Managers giving stronger weight to interest group priorities may undermine the strength of the public who would otherwise be involved in the formal hearing process (Crow et al., 2015). Decision-makers, especially at a state level, have a great deal of discretion throughout the rulemaking process (West, 2009), and FWC allowed for significant public participation, but perhaps not in a meaningful way. Ultimately, an agency's incorporation of the public into its rulemaking is meant to improve the quality, legitimacy, trust, and capacity of its decisions (NRC, 2008). If an agency permits and encourages widespread public participation, and the public takes advantage of these opportunities of involvement, the agency must ensure that it is meaningfully incorporating the public's input to develop the best policy it can, in terms of both stakeholder values and management outcomes.

Conclusion

Overall, the rulemaking process of FWC in the case of deciding to reinstate the Florida black bear hunt provided did not reflect the majority of concerns from stakeholders. It must be a priority of the agency to meaningfully engage with the public and not just "go through the motions" of allowing the public to participate and the agency to make the decision it would have

had there not been any public input. Meaningful stakeholder engagement is a crucial component in the human dimensions of wildlife management, and agencies have an obligation to their constituents to make policy decisions in a way that values and reflects their input.

Limitations and Future Directions

It must be noted that these stakeholders are not representative of the entire population of stakeholders that were involved in this issue. This study had a small sample size of stakeholders (n=4), so generalities cannot be made about how all stakeholders felt about opportunities for involvement and satisfaction with the policy outcome of reinstating the hunt. The public comment sample was also not representative of the larger public, in that various factors are at play (i.e. resource limitations and degree of interest) in determining who attends the meetings. However, the stakeholders included in this study broadly represent stakeholder values, perspectives, and satisfaction with the opportunity for involvement and how the agency incorporated their input into the rulemaking. More research should be conducted to better determine how stakeholders across a wider breadth of opinion, knowledge, and perspective felt about the opportunity to be involved and the decision outcome. Furthermore, a deeper analysis into the specific stages and times at which stakeholders participated informally should be conducted. This will help unveil the stage of rulemaking at which stakeholders are more likely to affect change to the overall policy process and outcome.

Chapter 5: Conclusion

This study sought to broadly investigate *the ways in which stakeholders are involved in and influence controversial wildlife rulemaking* through the use of a case study of Florida's state wildlife agency, the Florida Fish and Wildlife Conservation Commission (FWC), and its rulemaking process to reinstate hunting for the Florida black bear in 2015. Despite the fact that this case was highly controversial, there were unprecedented amounts of public participation, making it a useful case to examine here. Specifically, two research questions, each with sub-questions, were investigated with respect to this process to provide insight into the broad theme mentioned above. The most important findings regarding these two questions will be reported here. The chapter will then conclude with a discussion of study limitations and future directions to further investigate stakeholder involvement and influence in wildlife agency rulemaking.

RQ1: To what extent are stakeholders involved in an agency's rule-making process in the context of controversial wildlife management decisions?

This objective was examined by investigating the methods that stakeholders used to participate in the rule-making process of reinstating the hunt for the Florida black bear, stakeholders' perceived degree of opportunity for involvement, and stakeholder satisfaction with the overall process and outcome. In this case, stakeholders used a variety of different mechanisms to participate in FWC's rulemaking, both in formal and informal environments. The most common mechanism of public participation was providing comments at FWC Commission meetings. Stakeholders also mentioned providing comments via phone, internet, and mail. Additionally, there were reports of having informal meetings with agency officials and participating in webinars and stakeholder group meetings.

There was a general consensus among interviewed stakeholders that FWC provided a great deal of opportunity for stakeholder involvement. This is a useful way to incorporate a variety of opinions, expertise, and perspectives and engage in conflict resolution to ultimately develop a policy decision that is representative of stakeholders and agency priorities, alike. The consensus on the degree of opportunity for stakeholder participation is representative of a transparent regulatory process in terms of engaging with the public and by providing the opportunity for stakeholders to voice their opinions. However, it must be a priority of agency managers to meaningfully engage with the public and not just invite public participation when agency managers will make the same decision had there not been any public input. Meaningful stakeholder engagement is a crucial component in the human dimensions of wildlife management, and agencies have an obligation to their constituents to make policy decisions in a way that values and reflects their input.

Stakeholders were generally satisfied with the opportunity for involvement in the rulemaking process, but not completely satisfied with the policy outcome. The reason for this is unclear, but likely reflects the viewpoints of the stakeholders and what outcome they wanted in terms of a hunt. The overall consensus that FWC provided a great deal of opportunity for stakeholder participation exhibits good decision-making practices. FWC's involvement of stakeholders helps realize Layzer's goal that stakeholder participation results in a collaborative, consensual, and durable decision (2002).

RQ2: What influence do stakeholders have on an agency's rulemaking process in the context of controversial wildlife management decisions?

Stakeholders had different opinions and perspectives regarding this case of reinstating the hunt for the Florida black bear. Public comments exhibited that stakeholders both supported and opposed the hunt as proposed, with a higher percentage of speakers in opposition. The sample of interviews for this research was split evenly between supporters and opponents of the hunt which is not representative of all stakeholders that were involved in this rulemaking process. At each Commission meeting, there were more opponents of the hunt than supporters. Opponents were more vocal throughout the whole process, even holding rallies and protests. However, it is possible that more opponents than supporters participated in the decision process as was reflected in the distribution of supporters/opponents in the public comments. It is important to note that the subsection of the public that did participate in this rulemaking is also not representative of the public as a whole due to constraints on participating such as resource and time availability and lack of education.

There were minimal changes made to the rules regarding bear hunting as evident in the analysis of their coding. This is typical of rulemaking proceedings in that most modifications occur in the pre-proposal stage before draft rules are developed (Rinfret & Cook, 2014). While FWC received public input between the draft and final rules, changes made to the rules did not reflect this input. Although the agency is not required to make any changes to its rules after receiving public input, the FWC has the ability to incorporating public values into its decision which can improve the quality of the decision, resolve conflict among competing interests, and build a trusting relationship with stakeholders (Beierle, 1998).

All interviewed stakeholders believed that FWC did not take their opinions and priorities into consideration when making this decision. Some stakeholders asserted that the agency's use of public comment was more of a symbolic procedure that the agency is required to undergo and they did not actually incorporate the public's input into the decision. This is dangerous because stakeholders who feel as if the agency did not value or incorporate their perspectives or knowledge into the decision will lose trust in that agency. The lack of true deliberation and communication in a meeting between the agency and the public is an example of a poor decision-making practice and does not provide any opportunity for conflict resolution (Beierle, 1998).

However, the controversial nature of this issue did change how FWC staff and Commission approached the issue. There were instances of emotional testimony and personal attacks on the Commissioners that the Commission may have dismissed. The Commission believed that they had to make the most appropriate decision for the wildlife and perhaps their dedication to the health of the bear population (and maintaining human safety) was paramount to any arguments against reinstating the hunt.

Overall, the rulemaking process of FWC in the case of deciding to reinstate the Florida black bear hunt provided a great deal of opportunity for stakeholder involvement but the decision did not reflect the majority of concerns from stakeholders. It must be a priority of the agency to meaningfully engage with the public. Meaningful stakeholder engagement is crucial in the human dimensions of wildlife management, and agencies have an obligation to their constituents to make policy decisions in a way that values and reflects their input.

Wildlife management requires the incorporation of stakeholders to guide managers in formulating rules. Stakeholder beliefs and perspectives provide insight into how stakeholders will accept a rule and the variety of stakeholder priorities to develop the most appropriate

management strategy (Decker et al., 2012). Beierle explains that stakeholder involvement can occur on a spectrum, ranging from one-way transfers of information from the agency to stakeholders and vice versa, as well as an open dialogue of exchange between the agency and the stakeholders (1998). The findings of this study are consistent with Beierle's spectrum of agency-stakeholder relationships. Here, stakeholders were involved across the entire spectrum of communication pathways, both one-way communication from one party to the other and two-way communication between the two parties. This case exhibited more evidence of one-way information transfers between the agency and the stakeholders through agency presentations at public meetings, online webinars, public comments, and other communication via email, phone, and mail.

FWC conducted extensive outreach and education to the public regarding their management of Florida black bears. Although this fosters a sense of trust in an agency and increases transparency, it does not allow for stakeholders to contribute to the rulemaking (Beierle, 1998). Stakeholders, as evident is the variety of arguments presented in the public comments at the Commission meetings, remained loyal to their beliefs. For example, staff biologists explained that the bear population had likely grown since the last population estimate developed in 2002, and therefore the hunting objectives were conservative. But, stakeholders did not trust the agency's claims and wanted updated population estimates before FWC considered a hunt.

The limitations of heavy reliance on one-way communication between stakeholders and an agency are evident in this case. Crow et al. explain how public comments can hinder an agency's ability to actively engage with the public (2016) and the stakeholders interviewed for this research believed this was the case. Although stakeholders were satisfied with the

opportunity to provide comment, they believed that the agency did not engage with them nor take their arguments seriously when considering their decision. Squillace also notes that a good public process provides an equal opportunity for stakeholders with competing interests to interact with each other to further each other's understanding of other perspectives (2016). Stakeholder involvement via public comment, mail, phone, and online communication do not allow for stakeholders to interact with each other, thus reducing the likelihood for respectful consideration of other perspectives (Irvin & Stansbury, 2004).

Participant satisfaction has been widely used as an indicator for the quality and success of policy processes and outcomes (Coglianese, 2002). Its usefulness and meaning has been a contested issue in the literature. While some scholars have found that stakeholders who participate in agency rulemaking are more satisfied with the political process (Langein & Kerwin, 2000), Coglianese found that even after stakeholders participated in a regulatory process, they were dissatisfied because they expected their involvement would have a greater influence on the policy than it did (1997). This research supports this claim. Even though there was extensive opportunity for participation, stakeholders were not satisfied with how FWC incorporated their input in the decision. Perhaps the stakeholders who gave public comments or were otherwise involved thought that their input would have greater weight in the Commission's decision.

Although stakeholders were satisfied with the policy process, there was a great deal of dissatisfaction with the policy outcome. Appointed agency managers such as FWC Commissioners may be more susceptible to pressure or demands from interest groups which may result in perceived or true bias of the agency that favors the special interest parties rather than the public as a whole (West, 2009). This could be a potential explanation for what was seen in this

case study. Off-the-record conversations between agency officials and special interest groups may have been more influential in determining the construction of the hunting rules, rather than the input gathered from the public via public comments. Managers who give stronger weight to interest groups priorities undermine the strength of the public (Crow et al., 2015). Decision-makers, especially state-level, have a great deal of discretion throughout the rulemaking process (West, 2009) and FWC did allot for significant public participation, but perhaps not in a meaningful way. Ultimately, an agency's incorporation of the public into its rulemaking is to improve the quality, legitimacy, trust, and capacity of its decisions (NRC, 2008). If an agency permits and encourages widespread public participation, and the public takes advantage of these avenues of involvement, the agency must ensure that they are meaningfully incorporating the public's input to make the best policy it can in terms of both stakeholder values and management outcomes.

However, literature indicates that stakeholder satisfaction does not always correspond to decisions that have high regulatory quality. If participants are satisfied with the outcome, that does not always mean that the policy decision is good (Coglianese, 2002). Stakeholders that opposed the hunt were dissatisfied with the policy outcome, but that does not mean that approving a hunt was a bad regulatory decision. Perhaps a hunt was the best option to maintain a healthy, sustainable bear population since hunting is a widely accepted and used tool for wildlife population control (Decker et al., 2012). The applicability of this claim is difficult to determine in this case because it has only been just over one year since the hunt occurred, and effects on the human and bear populations have yet to be seen.

Regulations are seldom changed that reflect input from public comments (Shapiro & Borie-Holtz, 2013). This claim was also supported by this case. Other literature also indicates

that any changes made to rules between the proposed version and the final version are relatively inconsequential to the overall purpose or intent of the rule. These changes can include minor language clarifications and rarely manifest themselves in the form of substantive or regulatory changes. If significant changes do occur, they are often not a reflection of public comment (West, 2004). There were some draft rules that appeared to consider some arguments put forth by the public (i.e. use of dogs, baiting), but there were minimal to no changes made to the rules from draft to final versions. The results from this study are consistent with these claims that rule changes often do not reflect input from the public.

Had FWC staff developed an environmental impact assessment or statement regarding the effects of bear hunting and proposed potential alternative strategies, they could have addressed some of the stakeholder concern and backlash against their decision to reinstate hunting. Federal agency staff is required to complete this step in their decision-making, and several state agencies have created similar policies. An environmental assessment would have demonstrated that FWC staff considered the impacts of bear hunting in addition to alternative approaches to manage the bear population in Florida. This may not have prevented all of the stakeholder dissatisfaction with how their input was incorporated into the ultimate policy decision, but perhaps an assessment would, at a minimum, show the public that the agency staff acknowledged and valued different approaches regarding this issue.

Study Limitations and Future Directions

While the results from this study can be useful in describing how stakeholders participate and perceive agency rulemaking in the context of controversial wildlife management decisions, it is important to recognize that the data analyzed here are based on participants' perceptions of the process. The stakeholders included in this study are not representative of the entire population of

stakeholders that were involved in and affected by this issue. This study had a small sample size of stakeholders (n=4), so generalities cannot be made about how all stakeholders felt about opportunities for involvement and satisfaction with the policy outcome of reinstating the hunt.

It is important to recognize the potential biases that are inherent with using interviews for data collection. There is the risk that the interviewer influences the interviewee's responses through prompts or leading questions. Additionally, interviewees may be subject to courtesy bias in which they want to provide the interviewer with the answers they think she wants to hear. Agency personnel interviewees may have spoken more positively about the opportunities they provide for the public to be involved and the incorporation of the public input in the agency's decision-making. Stakeholders may also exaggerate or emphasize their dissatisfaction with the agency if the policy outcome was not what they wanted. Furthermore, because the interviews were conducted about a year or more after this case occurred, it is also possible that interviewees had difficulty recollecting details from the case.

More research should be conducted to better determine how stakeholders across a wider breadth of opinion, knowledge, and perspective perceive about the opportunity to be involved and the decision outcome. Furthermore, a deeper analysis into the specific stages and times at which stakeholders participated should be conducted. This will help unveil at which stage of rulemaking stakeholders are more likely to affect change to the overall policy process and outcome.

My journey in conducting this research has been informative in navigating the scope of one agency's rulemaking for one wildlife management decision. There were more components to rulemaking than I initially thought, and there was certainly a more nuanced process than of which I was aware. Most of my previous knowledge of this case came from the media, and I

know now that I had a rather skewed and narrow view of this case. This research has given me a new perspective on wildlife management and the difficult decisions that agencies must make. Agency's task of having to satisfy stakeholders with widely varying perspectives and priorities is not simple or easy. The discretion that state agencies have in their regulatory process is important, especially in a case where politics can be rather influential on decision-making.

If I had the opportunity to conduct this research study again, I would focus more on the content of the public comments to determine if that had a greater impact on how rules were changed. I would also ask a few different questions in my interviews (in addition to having a greater sample size) that would better capture the details of the informal interactions that stakeholders had with the agency. It would be useful to better understand the capacity in which a variety of stakeholders interacted with the agency in the pre-proposal stage of rulemaking and see if the stakeholders had more of an impact in rule development then, as opposed to only providing formal public comment.

It is interesting to note that the Commission voted to postpone the hunt for one year in 2016. This may have been due to a change in the Commission Chair as well as the controversy that this case received in 2015. Subsequently, the Commission voted to postpone the hunt for two to three years in 2017 because of the continued public opposition, despite the newly released scientific evidence that the Florida black bear population could sustain a hunt. It would be useful to repeat this study to compare the processes and stakeholder participation between the cases in 2015, 2016, and 2017 to understand the reasons for the differences in the ultimate decisions in the rulemaking process surrounding the same issue.

I will take several lessons from this research study. I have a new perspective on social science research, especially in the case of wildlife management. In a future career in wildlife

conservation and management, it is helpful to understand how stakeholders and agency officials are involved in a rulemaking and the variety of factors an agency considers in making a controversial management decision. I appreciate the reasons that an agency must utilize good decision-making practices when tasked with making the best decision in the interest of the wildlife while respecting and considering stakeholder input.

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Appendix A

Interview Questions for Agency Personnel

- 1) What is your full name, professional title, and department within the FWC that you are a part of?
- 2) What are your job responsibilities at the FWC?
- 3) Please describe the process that the agency normally goes through to make a regulatory decision.
 - a. As far as you know, was this what happened in the case of reinstating the Florida black bear hunt last year?
- 4) Can you describe how the decision to reconsider the hunt for the Florida black bear was initiated?
- 5) Does the agency ever conduct a negotiated rulemaking process where you sit down with opposing interests to discuss regulation?
- 6) Can you list other agencies or constituencies (non-profit groups, hunting organizations) who were involved in this specific case?
- 7) How does your agency involve the public or other stakeholders in the development of regulations?
 - a. Does the public typically become involved? If so, when and how?
- 8) Are these the same groups that are typically involved when you create new regulations, or did you see new/different ones in this case?
 - a. Were certain individuals (or groups?) particularly involved or outspoken?
- 9) Do you feel that the FWC specifically cooperated or worked together with any of the above groups when solidifying or discussion the proposed hunt?
- 10) Did you see a lot of conflict between the outside groups involved in this rulemaking, or was it fairly typical based on your experience?
- 11) After receiving input from outside groups and citizens, do you think the FWC (or FWC personnel) generally makes any significant changes to the draft rules?
 - a. Do you remember how the rules were originally drafted in terms of input/information that went into them? How did those draft rules change once input from outside groups and citizens was considered? Was the change significant?

- b. Is this typical or were there more/fewer changes in this case?
 - c. Do you think the FWC learned anything with regard to how to deal with outside groups based on this particular process?
- 12) From your perspective, is there a lot of media coverage of your agency and the development of regulations?
- a. Was it different in this case (more/less) from other regulatory processes you've been involved with?
- 13) Does the agency use internal or external scientific information during the rulemaking process?
- a. Please describe the type of scientific information used.
 - b. Who produces this scientific information/where is it accessed?
 - c. How do you decide which information to use?
- 14) What is the role that agency staff play?
- a. Are they typically very knowledgeable on the topic under consideration, or do they need training before the rulemaking process begins?
- 15) Is it common for political leaders to become involved in the rulemaking process, or do they usually leave it to the agency to create the rules once legislation has passed?
- a. Was it any different in this case? How? Why?
- 17) Is there anything else you think is important to know that we have not asked about?
- 18) Are you aware of anyone else we should speak with regarding the decision-making process of reinstating the hunt for the Florida black bear?
- a. Can we use your name should we decide to contact these recommended interviewees?

Interview Questions for Stakeholders

- 1) What is your full name, professional title, and organization/group that you are a part of?
- 2) What do you do for your organization/group?
- 3) Do you or a representative from your group attend any type of public meeting held by the FWC? How often?
- 4) In what other capacities are you/your organization involved in the regulatory processes of wildlife management decisions? For example, do they attend stakeholder meetings, rulemaking hearings, engage with the public or other groups about the issue, participate in protests, etc.
- 5) What about in the most recent case of reinstating the hunt for the Florida black bear in 2015?
- 6) Did your organization support or oppose reinstating the hunt before it was enacted? Why or why not?
- 7) Did this position change after the hunt occurred?
- 8) Did the FWC ever conduct a negotiated rulemaking process where they sat down with various interest groups to discuss the proposed or ongoing regulation?
- 9) Do you feel that the FWC worked with your organization during the regulatory process?
- 10) Did you see a lot of conflict between the groups involved in this rulemaking process, or was it fairly typical based on your experience?
- 11) After receiving input from your organization and other outside groups and citizens, do you think the agency or Commissioners made any significant changes to the draft rules or conditions for the hunt?
- 12) Do you remember how the rules were originally drafted in terms of input/information that went into them? How did those draft rules change once comments made by your organization, other organizations, and the public were considered?
- 13) Is this typically what your organization experiences when you enter into a rulemaking process, or were there more/fewer changes in this case?
- 14) From your perspective, was there a lot of media coverage of the upcoming hunt and afterwards?
- 15) Was the coverage different in this case (more/less) from other regulatory processes you've been involved with?

- 16) Did your organization play any additional roles when the rules for the hunt were being finalized or after they were approved?
- 17) Do you think that the 2016 decision to postpone the hunt was a result of your or other group's involvement in the FWC's decision-making process in 2015?
- 18) Is there anything else you think is important for me to know?