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THE POLITICS OF URBAN NATURAL AREAS MANAGEMENT AT THE LOCAL LEVEL: A CASE STUDY

STEVEN M. DAVIS*

I. INTRODUCTION

The topic of public conservation lands and their management most likely elicits a response, from scholars and ordinary citizens alike, related to National Parks, National Forests, or National Wildlife Refuges. As biologists James Miller and Richard Hobbs assert, “[f]rom the perspective of someone who lives in a city or suburb, conservation is too often something that happens somewhere else—in a national park, [or] wilderness area.”¹ Yet it is the most local jurisdictions of public conservation lands, and not remote federal lands in the West, that most people live near and see and use on a regular basis. To demonstrate, the fifty most visited city parks in the United States have roughly the same total annual visitors as all 391 units comprising the National Park System, which reports total annual visitation of 274 million.² The importance of what Miller and Hobbs collectively refer to as “[c]onservation [w]here [p]eople [l]ive and [w]ork”³ is suggested by the fact that Busse Woods, a two thousand acre unit of the Forest Preserve District of Cook County located in the suburbs of Chicago, Illinois, receives 2.5 million annual visits—more than Yellowstone National Park.⁴

The centrality of local conservation lands in peoples’ everyday lives is certainly not mirrored in public lands literature, which is disproportionately focused on federal lands. This sizeable body of literature examines federal resource management agencies’ history and policy outputs,⁵ analyzes agencies’ power and internal political dynamics,⁶ and

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¹ James R. Miller & Richard J. Hobbs, *Conservation Where People Live and Work*, 16 CONSERVATION BIOLOGY 330, 334 (2002).

² Compare THE TRUST FOR PUBLIC LAND, THE MOST VISITED CITY PARKS (2009), available at http://www.tpl.org/content_documents/citypark_facts/ccpe_Most_Visited_Parks_09.pdf, with Public Use Statistics Office, National Park Service, NPS Stats, <http://www.nature.nps.gov/stats/viewReport.cfm?selectedReport=SystemSummaryReport.cfm> (select “2008” within dropdown and click “Go”) (last visited Feb. 21, 2010).

³ Miller & Hobbs, *supra* note 1, at 330.

⁴ FRIENDS OF THE FOREST PRESERVES & FRIENDS OF THE PARKS, THE FOREST PRESERVE DISTRICT OF COOK COUNTY: STUDY AND RECOMMENDATIONS: PHASE I 14 (2002), available at <http://www.fotfp.org/wp-content/uploads/2009/09/FPDCC-Study-Phase-I.pdf> [hereinafter FOTFP REPORT I].

⁵ See generally WILLIAM C. EVERHART, THE NATIONAL PARK SERVICE (1972) (considering the mission of the Forest Service and how it has broadened into a social institution concerned with

examines their interactions with outside interests and public participation.⁷ At the most local and intimate level, however, the political dynamics surrounding public land managers, and the issues such managers face, remain less examined and less understood.⁸

This Article argues that public land management in local urban jurisdictions, (both city and county) and the political behaviors and dynamics embedded therein, are not necessarily a miniature version of the federal land management model. Rather, intrinsic differences exist between the structure and nature of federal and local agencies. Local managers also have a particular sort of interplay with local interests, constituents, and the broader public. Finally, and most importantly, unique issues arise from the very nature of a conservation mandate in the urban context. All of these considerations make the politics of public land management at the local

humans and the environment); RONALD A. FORESTA, *AMERICA'S NATIONAL PARKS AND THEIR KEEPERS* (1984) (analyzing National Park System traditions and the need for aggressive policies); MICHAEL FROME, *THE FOREST SERVICE* (2d ed. 1974) (discussing the history of the Forest Service's achievement in natural resource protection); SAMUEL P. HAYS, *CONSERVATION AND THE GOSPEL OF EFFICIENCY: THE PROGRESSIVE CONSERVATION MOVEMENT, 1890-1920* (University of Pittsburgh Press 1999) (1959) (discussing conservation through the history and political structure of the Progressive Era); A VISION FOR THE U.S. FOREST SERVICE: GOALS FOR ITS NEXT CENTURY (Roger A. Sedjo ed. 2000) (examining the political atmosphere the Forest Service must work within to achieve its purpose); RICHARD WEST SELLARS, *PRESERVING NATURE IN THE NATIONAL PARKS: A HISTORY* (1997) (outlining the historic policy conundrum of the National Park Service between tourism management and increased ecological concerns).

⁶ See generally HERBERT KAUFMAN, *THE FOREST RANGER: A STUDY IN ADMINISTRATIVE BEHAVIOR* (1960) (studying the U.S. Forest Service and advocating an integrated conservation policy for modern times); JEANNE NIENABER CLARKE & DANIEL MCCOOL, *STAKING OUT THE TERRAIN: POWER AND PERFORMANCE AMONG NATURAL RESOURCE AGENCIES* (2d ed. 1996) (discussing the current window of political opportunity for conservation efforts); Terence J. Trippe & Douglas J. Wellman, *Herbert Kaufman's Forest Ranger Thirty Years Later: From Simplicity and Homogeneity to Complexity and Diversity*, 51 PUB. ADMIN. REV. 421 (1991) (discussing current developments and policy changes in the Forest Service and the impact of public administration on Kaufman's ideas described in *The Forest Ranger*).

⁷ See generally PAUL J. CULHANE, *PUBLIC LAND POLITICS: INTEREST GROUP INFLUENCE ON THE FOREST SERVICE AND THE BUREAU OF LAND MANAGEMENT* (1981) (pointing out the conflict between interest group pressure and professional responsibility faced by land managers of the Forest Service. A study of interest group influence provides a caveat to agency theory.); JOHN C. FREEMUTH, *ISLANDS UNDER SIEGE: NATIONAL PARKS AND THE POLITICS OF EXTERNAL THREATS* (1991) (analyzing the encroachment of civilization upon parks protected and regulated by the National Park Service); Steven Davis, *Does Public Participation Really Matter in Public Lands Management?: Some Evidence from a National Forest*, 25 SOUTHEASTERN POL. REV. 253 (1997) (studying public participation and its influence on policy outcomes in the Forest Service, placing an emphasis of Siskiyou National Forest); Paul Mohai, *Public Participation and Natural Resource Decision-Making: The Case of the RARE II Decisions*, 27 NAT. RESOURCES J. 123 (1987) (critiquing the Forest Service's practice of avoiding conflict between interests groups and arguing for more public participation); Paul A. Sabatier et al., *Hierarchical Controls, Professional Norms, Local Constituencies, and Budget Maximization: An Analysis of U.S. Forest Service Planning Decisions*, 39 AM. J. POL. SCI. 204 (1995) (describing the U.S. Forest Service's decision-making process as a function of bureaucratic conservatism, hierarchical controls, and budget maximization).

⁸ A similar project has attempted to examine the political dynamics and issues surrounding public lands on the state level. See Steven M. Davis, *Preservation, Resource Extraction, and Recreation on Public Lands: A View from the States*, 48 NAT. RESOURCES J. 303 (2008).

level quite distinct from the familiar, and well-documented, patterns of federal land management.

This Article attempts to shed more light on the unique politics surrounding the management of urban conservation lands through a case study of a particularly interesting policy conflict during the mid 1990s in one of the nation's largest urban conservation systems, the Forest Preserve District of Cook County, Illinois. Although the intensity and broad scope of this battle over the District's Natural Areas Restoration Program far exceeds what is usually found at the local level, the case offers valuable insight into some of the patterns shaping public land management in the urban context.

II. PUBLIC LAND MANAGEMENT AT THE LOCAL LEVEL

This Article examines municipal and county government agencies managing conservation lands in metropolitan regions. It also excludes federal or state management of urban parks, such as the Golden Gate National Recreation Area in San Francisco or the William Powers State Park in Chicago. Also excluded are County Forest systems in rural areas. These County Forests, mostly in the Upper Midwest, contain large, often remote blocks of forest that are managed very similarly to State and Federal forests.⁹

In contrast to the wealth of data regarding federal land, no readily available set of comprehensive data exists regarding the acreage of natural areas in United States city and county park systems. This phenomenon is likely due to jurisdictional fragmentation and the intermingling of conservation lands and recreational areas, including picnic areas, ball-fields, lawns, and formal parks, within most urban park systems.

For cities, the best data comes from The Trust for Public Land (hereinafter "TPL"), which has compiled data on park systems in 85 large cities. This data compilation showed that of 690,955 city agency acres within city limits, 288,126 acres (40.2%) were held as natural areas.¹⁰ If small and mid-sized cities' park systems were added to these figures, the overall acreage of city parks would undoubtedly be a great deal larger. Some notable conservation holdings within city park systems include those

⁹ For example, Wisconsin has a 2.5 million acre County Forest system. Wis. County Forests Ass'n, Wisconsin County Forests Acres, <http://www.wisconsincountyforests.com/wcfa-acr.htm> (last visited Feb. 21, 2010). These acres were pieced together through tax forfeitures early in the 20th century, in 29 counties across the North Woods. Wis. Dept. of Natural Res., County Forests, <http://dnr.wi.gov/forestry/county/> (last visited Feb. 21, 2010).

¹⁰ THE TRUST FOR PUBLIC LAND, NATURAL, DESIGNED AND UNDEVELOPED ACRES AS A PERCENTAGE OF TOTAL AGENCY ACRES: FY 2007 (2008), available at http://www.tpl.org/content_documents/citypark_facts/ccpe_TotalAcresbyPercentage_08.pdf (data excludes federal, state, or county forest acreage located within city limits)

of Albuquerque, Houston, Dallas, Austin, Anchorage, Bakersfield, Phoenix, Jacksonville, Los Angeles, New York City, Portland, San Diego, Louisville, and San Antonio.¹¹ Most of these systems consist of thousands of acres each.¹²

Although there is considerably less data on conservation acreage held by county governments, one can safely speculate that it exceeds that of city park systems. For example, just the seven urban counties in northeastern Illinois have over 178,000 acres in their county forest preserve districts,¹³ and the nation's largest county park system in Maricopa County, AZ (Phoenix) has 120,000 acres alone.¹⁴ While most urban county park systems are considerably smaller, some sizeable systems include those found in Harris, Texas (26,296 acres),¹⁵ Santa Clara, California (45,000 acres),¹⁶ Montgomery, Maryland (over 34,000 acres),¹⁷ King, Washington (25,000 acres),¹⁸ Hillsborough, Florida (over 70,000 acres),¹⁹ San Diego, California (over 44,000 acres),²⁰ Riverside, California (71,656 acres),²¹ and Jackson, Missouri (21,000 acres).²² Additionally, there are a number of

¹¹ See THE TRUST FOR PUBLIC LAND, ACRES OF PARKLAND BY CITY AND AGENCY: FY 2007 (2008), available at http://www.tpl.org/content_documents/citypark_facts/ccpe_TotalAcresCityandAgency2008.pdf.

¹² *Id.*

¹³ See Forest Preserve Dist. of Cook County, Land Acquisition Plan, http://www.fpdcc.com/tier3.php?content_id=6 (last visited Feb. 21, 2010); KENDALL COUNTY FOREST PRESERVE DIST., MASTER PLAN: MAY 2008 4 (2008), available at http://www.co.kendall.il.us/forest_preserve/pdf/MasterPlanRevision.pdf; FOREST PRESERVE DIST. OF KANE COUNTY, FOREST PRESERVE DISTRICT OF KANE COUNTY PROPERTIES 2009 (2009), available at <http://www.kaneforest.com/fp/fpMap.pdf>; Forest Preserve Dist. of Will County, About Us, <http://www.reconnectwithnature.org/will-county-forest-preserve-district/about-the-district> (last visited Feb. 21, 2010); McHenry County Conservation Dist., Home Page, <https://www.mccdistrict.org/web/index.asp> (last visited Feb. 21, 2010); Forest Preserve Dist. of DuPage County, Conservation, <http://www.dupageforest.com/conservation/> (last visited Feb. 21, 2010); Lake County Forest Preserves, Your Forest Preserves, <http://www.lcfpd.org/preserves/index.cfm?fuseaction=preserves.view> (last visited Feb. 21, 2010).

¹⁴ Parks & Recreation, Maricopa County, <http://www.maricopa.gov/parks/history.aspx> (last visited Feb. 21, 2010).

¹⁵ COMM'R'S COURT, HARRIS COUNTY, CAPITAL IMPROVEMENTS 6 (2009), available at <http://www.co.harris.tx.us/agenda/2009/06-23-09FY%202009-10%20CIP-Agenda.pdf>.

¹⁶ Dept. of Parks and Recreation, Santa Clara County Gov't, <http://www.sccgov.org/portal/site/parks/> (last visited Feb. 21, 2010).

¹⁷ Dept. of Parks, Montgomery County, About the Department of Parks, <http://www.montgomeryparks.org/about/index.shtml> (last visited Feb. 21, 2010).

¹⁸ King County, Natural Areas and Working Resource Lands, <http://www.kingcounty.gov/recreation/parks/naturalareas.aspx> (last visited Feb. 21, 2010).

¹⁹ Parks, Recreation and Conservation Dept., Hillsborough County, <http://www.hillsboroughcounty.org/parks/> (last visited Feb. 21, 2010).

²⁰ County of San Diego, Parks and Recreation, About Us, <http://www.sdcountry.ca.gov/parks/aboutus.html> (last visited Feb. 21, 2010).

²¹ RIVERSIDE COUNTY REGIONAL PARK AND OPEN-SPACE DIST., 2008-2009 ANNUAL REPORT 11(2009), available at <http://www.riversidecountyparks.org/rivcoparks/wp-content/uploads/2009/09/Annual-Report-2008-2009.pdf>.

²² Jackson County, Parks & Recreation, <http://www.jacksongov.org/content/3279/5215/default.aspx> (last visited Feb. 21, 2010).

special hybrid park districts that represent broader regions, such as the Nashville/Davidson Metropolitan Board of Parks, or much smaller areas, such as the Fairmont Park Commission in Philadelphia.²³

City and county land management entities often exist as straightforward executive agencies in city or county government.²⁴ However, some enjoy a far more independent status as special park districts with their own governing boards, which often have taxing power.²⁵ Due to a history of favorable state legislation, Illinois leads the nation in its number of such special park districts.²⁶

With 3,033 general purpose county governments, 19,492 municipal governments,²⁷ and 1,355 special park districts²⁸ in the United States, it is difficult or nearly impossible to characterize the typical local land management agency.²⁹ With an incredible profusion of distinct governing entities, there is simply too much variation in region, structure, financing, and the size and character of the urban, suburban, or exurban setting. Perhaps one characteristic that most city and county land management agencies share is that they generally run very lean operations. While larger county and city park agencies have hundreds, and occasionally thousands, of employees, many other agencies have considerably smaller full-time staffs.³⁰ Furthermore, actual conservation staff members in either of these settings are likely to represent a minority among a park system's personnel, especially in more recreation-oriented park systems.³¹

²³ See THE TRUST FOR PUBLIC LANDS, *supra* note 11, at 5–6.

²⁴ See *id.*

²⁵ Richard C. Trudeau, *Special Park Districts*, PARKS AND RECREATION, Jan. 1996, at 63.

²⁶ *Id.*

²⁷ U.S. CENSUS BUREAU, LOCAL GOVERNMENTS AND PUBLIC SCHOOL SYSTEMS BY TYPE AND STATE: 2007 (2008), <http://www.census.gov/govs/cog/GovOrgTab03ss.html>.

²⁸ See U.S. CENSUS BUREAU, 2007 GOVERNMENTS INTEGRATED DIRECTORY (2008), http://harvester.census.gov/gid/gid_07/options.html (select “All States” and “Special District Govts”) (providing the list of all special park districts).

²⁹ Note that this study focuses only on local governments in urban or suburban areas. One of the more generous definitions of what qualifies as an urban or suburban area is what the Census Bureau calls “Metropolitan Statistical Areas” or “MSAs”, which consist of a minimum of 50,000 people. OFFICE OF MGMT. & BUDGET, EXECUTIVE OFFICE OF THE PRESIDENT, OMB BULL. NO. 08-01, UPDATE OF STATISTICAL AREA DEFINITIONS AND GUIDANCE ON THEIR USES app. at 2 (2007), *available at* <http://www.whitehouse.gov/omb/bulletins/fy2008/b08-01.pdf>. This encompasses 1,092 counties (about a third of all counties) in 363 United States MSAs. *Id.* app. at 3.

³⁰ See THE TRUST FOR PUBLIC LAND, REGULAR, NON-SEASONAL EMPLOYEES PER 10,000 RESIDENTS, BY MAJOR CITY AGENCY: FY 2008 (2009), *available at* http://www.tpl.org/content_documents/citypark_facts/ccpe_EmployeesbyAgency09.pdf (providing data for the full-time staff of larger park systems); see *infra* note 51 (providing the mean staff number of government employees in the U.S. who work in parks, recreation, and natural resources agencies in local government setting).

³¹ See FRIENDS OF THE FOREST PRESERVES & FRIENDS OF THE PARKS, THE FOREST PRESERVE DISTRICT OF COOK COUNTY: STUDY AND RECOMMENDATIONS: PHASE II 28, 30, 33, 35, 85 (2002), *available at* <http://www.fotfp.org/wp-content/uploads/2009/09/FPDCC-Study-Phase-II.pdf> [hereinafter FOTFP REPORT II] (providing that the Cook County Forest Preserve has a total staff of approximately 800 with only 56 full-time individuals employed in conservation-related roles).

Although local governments spend more on parks, recreation, and natural resources than the states and federal government combined, the incredible fragmentation of over 23,000 local governments translates to an average operating and capital budget of less than \$2 million per agency.³² Given the existence of several huge park systems in large metropolitan areas, one could expect the median budget to be substantially lower. Table 1 (below) summarizes the difference in park resources by level of government.

³² U.S. CENSUS BUREAU, TABLE 1. STATE AND LOCAL GOVERNMENT FINANCES BY LEVEL OF GOVERNMENT AND BY STATE: 2005–06 (2008), http://www.census.gov/govs/estimate/0600ussl_1.html.

TABLE 1—MEAN BUDGETS AND EMPLOYEES PER PARK AGENCY BY LEVEL OF GOVT.

	Number of Governments	Avg. # of Land Mgmt. Agencies per Jurisdiction	Operating & Capital Budgets—Nat. Res. & Parks (in billions \$)	Mean Expenditure per Agency (in millions \$)	Permanent FTE Employees—Nat. Resource & Parks	Mean FTE staff per Agency
U.S./ Federal	1 ³³	4 ³⁴	12.4 ³⁵	3,100.0 ³⁶	68,056 ³⁷	17,014 ³⁸
State	50 ³⁹	2.25 ⁴⁰	26.8 ⁴¹	241.4 ⁴²	179,882 ⁴³	1,621 ⁴⁴
Local ⁴⁵	23,779 ⁴⁶	1 ⁴⁷	47.2 ⁴⁸	2.0 ⁴⁹	275,813 ⁵⁰	12 ⁵¹

³³ U.S. CENSUS BUREAU, 2002 CENSUS OF GOVERNMENTS, REPORT NO. GC02-1(P) 1 (2002), available at http://ftp2.census.gov/govs/cog/2002COGprelim_report.pdf.

³⁴ CONG. RESEARCH SERV., FEDERAL LAND MANAGEMENT AGENCIES: BACKGROUND ON LAND AND RESOURCES MANAGEMENT 2 (2004), available at <http://www.nationalaglawcenter.org/assets/crs/RL32393.pdf> (four federal agencies, the Forest Service, the Bureau of Land Management, the Fish and Wildlife Service, and the National Park Service, manage 93.5% of the 628.4 million acres of federal land).

³⁵ U.S. CENSUS BUREAU, STATISTICAL ABSTRACT OF THE UNITED STATES 308 (2008), available at <http://www.census.gov/prod/2007pubs/08abstract/fedgov.pdf>.

³⁶ *Id.*

³⁷ U.S. Forest Serv., General Careers Overview, http://www.fs.fed.us/fsjobs/jobs_overview.shtml, (last visited Feb. 12, 2010); Nat'l Park Serv., U.S. Dept. of the Interior, Quick Facts, <http://www.nps.gov/aboutus/quickfacts.htm> (last visited Feb. 12, 2010); Div. of Human Capital, U.S. Fish & Wildlife Serv., What is the Fish and Wildlife Service?, <http://www.fws.gov/jobs/whyfws.html> (last visited Feb. 12, 2010); Bureau of Land Mgmt., U.S. Dept. of the Interior, Why BLM, http://www.blm.gov/wo/st/en/res/blm_jobs/Why_BLM_mission.html (last visited Feb. 12, 2010).

³⁸ This figure is derived from dividing the Permanent FTE Employees by the average number of Land Management Agencies per jurisdiction.

³⁹ REPORT NO. GC02-1(P), *supra* note 33, at 1.

⁴⁰ Steven M. Davis, *Preservation, Resource Extraction, and Recreation on Public Lands: A View from the States*, 48 NAT. RESOURCES J. 303, 315 tbl.4 (2008) (figure extrapolated from data that includes department-level agencies that manage school trust lands).

⁴¹ See U.S. CENSUS BUREAU, *supra* note 32.

⁴² *Id.*

⁴³ U.S. CENSUS BUREAU, STATE GOVERNMENT EMPLOYMENT DATA: MARCH 2007 (2009), <http://ftp2.census.gov/govs/apes/07stus.txt>.

⁴⁴ This figure is derived from dividing the Permanent FTE Employees by the average number of Land Management Agencies.

⁴⁵ For purposes of this table, "local" means counties, municipalities, and special park districts.

⁴⁶ REPORT NO. GC02-1(P), *supra* note 33, at 1, 7. This number includes county, municipal, and special park district governments.

⁴⁷ See *infra* note 51 (providing an average number assumption on the part of the author).

⁴⁸ See U.S. CENSUS BUREAU, *supra* note 32.

⁴⁹ *Id.*

⁵⁰ U.S. CENSUS BUREAU, 2007 PUBLIC EMPLOYMENT DATA: LOCAL GOVERNMENTS (2009), <http://ftp2.census.gov/govs/apes/07locus.txt>.

III. THE NATURE OF URBAN CONSERVATION LANDS

Perhaps the most profound distinction between federal and local land management relates to the physical differences of the land units managed. Federal preserves tend to be huge, remote blocks of land ranging from tens of thousands, to millions of acres each. For example, the vast majority of national forests in the 192 million acre, 155 unit system, are between 250,000-1,000,000 acres, with a mean unit acreage of 1.24 million acres.⁵² Urban parcels, on the other hand, are quite a bit smaller. Most city park systems have an average unit acreage not exceeding double digits.⁵³ More importantly, unlike the vast federal lands, urban preserves tend to be heavily used, degraded, and thoroughly fragmented islands of nature surrounded by urban, suburban, or exurban development.⁵⁴ These considerations push the focus of the local land manager in a direction far removed from the issues dominating a federal manager's attention, such as timber sales, energy production, grazing leases, wilderness, road-building, or wildlife management.

The urban context surrounding the typical city or county natural area presents a unique, and especially difficult, set of challenges. As Miller and Hobbs catalogue:

[H]uman settlement presents numerous barriers to movement [of wildlife]. . . . Moreover, residential development presents political obstacles to the restoration of historical variability in ecological processes, such as fires or floods, on which elements of biodiversity may depend. Human settlement may also act as a source of exotic or domesticated species that compete with or prey upon native plants and animals. . . . Urban and suburban environments are synonymous with extreme habitat fragmentation and exemplify the biotic homogenization occurring across the globe.⁵⁵

⁵¹ It is important to note that the mean encompasses disparate city and county park systems whose employment numbers range from one to thousands. *See supra* note 26 (This number is derived by using the 275,813 figure of local government employees in the U.S. who work in parks, recreation, and natural resources and assuming that each local government in the U.S. has an average of one park agency which produces a mean staff of 12).

⁵² U.S. FOREST SERV., DEPT. OF AGRIC., TABLE 1 – NATIONAL AND REGIONAL AREAS SUMMARY (2008), http://www.fs.fed.us/land/staff/lar/2008/TABLE_1.htm.

⁵³ *See* THE TRUST FOR PUBLIC LANDS, PARK UNITS PER 10,000 RESIDENTS: FY 2008 (2009), available at http://www.tpl.org/content_documents/citypark_facts/ccpe_ParkUnits09.pdf; THE TRUST FOR PUBLIC LANDS, *supra* note 10. These figures were calculated by dividing total city park unit figures by total system acreage figures.

⁵⁴ Miller & Hobbs, *supra* note 1, at 332–33.

⁵⁵ *Id.* at 332 (citations omitted).

Under such conditions, the urban land manager cannot serve as the *preserver* of pristine nature as the superintendent of North Cascades National Park might fancy himself to be. Rather, the urban land manager more closely resembles someone trying to reconstruct a jigsaw puzzle with many of the pieces missing.⁵⁶

As Gobster and Barro point out:

In many urban parks, historic conditions of . . . hydrology, microclimate, and vegetation have been so severely modified by past human activity that even the use of the term restoration sometimes seems inappropriate. Landscape fragmentation and adjacent land uses can also limit how well the structure and function of an ecological community can be restored and ecological processes . . . successfully reintroduced.⁵⁷

With their small preserves segmented by roads and traffic, tainted with runoff from surrounding impermeable surfaces, and choked by exotic species of brush and weeds, the local land manager has a job description that is, if not more difficult than the federal land managers, just as vexing in its own distinct ways. If one were to summarize the mission of the local land manager, it might be the following: to figure out a way to restore some semblance of a healthy, functioning, ecological community, in the face of the fundamentally altered ecology of the urban environment (with no natural fires, large predators, or the omnipresent seeds of invasive species always poised to germinate), while concurrently managing the impact of

⁵⁶ There is a vigorous debate among environmentalists about whether to emphasize the restoration or preservation of nature and what the proper role of humans in relation to nature should be. Preservationism stresses the hubris and general destructiveness of human dominance over nature. Its dualistic way of seeing humans and the natural world is well reflected in the Wilderness Act of 1964. While most wholeheartedly support wilderness and the preservation of large intact ecosystems, restorationists find this philosophy ill-suited to the goal of caring for the land in the places closer to where most people live. From their perspective, an intense, hands-on, "interventionist" commitment is required for the ecological health of the land being managed and to teach people to live more harmoniously in the natural world. Compare William R. Jordan III, *Restoration, Community and Wilderness*, in *RESTORING NATURE: PERSPECTIVES FROM THE SOCIAL SCIENCES AND HUMANITIES* 23 (Paul H. Gobster & R. Bruce Hull eds., 2000) (arguing for restoration as a resolution to the conflict between community and nature), MICHAEL POLLAN, *SECOND NATURE: A GARDENER'S EDUCATION* (1992), and William Cronon, *The Trouble with Wilderness; or, Getting Back to the Wrong Nature*, in *UNCOMMON GROUND: RETHINKING THE HUMAN PLACE IN NATURE* 69 (William Cronon ed., 1995), with Eric Katz, *Another Look at Restoration: Technology and Artificial Nature*, in *RESTORING NATURE: PERSPECTIVES FROM THE SOCIAL SCIENCES AND HUMANITIES* 37- (Paul H. Gobster & R. Bruce Hull eds., 2000).

⁵⁷ Paul H. Gobster & Susan C. Barro, *Negotiating Nature: Making Restoration Happen in an Urban Park Context*, in *RESTORING NATURE: PERSPECTIVES FROM THE SOCIAL SCIENCES AND HUMANITIES* 185, 185 (Paul H. Gobster & R. Bruce Hull eds., 2000) (citations omitted).

heavy use, recreational demands, and policy preferences of various stakeholders in diverse, heavily populated communities.

IV. THE CASE OF RESTORATION IN THE COOK COUNTY FOREST PRESERVES

Cook County, Illinois, consisting of Chicago and many of its closer suburbs, is the second most populous county in the United States with an estimated 5,285,107 people as of July 2007.⁵⁸ Its system of public county lands is one of the largest and oldest in the country.⁵⁹ Created in 1916, the Forest Preserve District of Cook County (hereinafter the “FPDCC”) is an independent park district with its own taxing authority. Like the six other county forest preserve systems in the Chicago metropolitan area, the FPDCC was made possible by an 1893 Illinois law, (“An Act to Provide for the Creation of Pleasure Driveways and Park Districts”) which created the legal framework for such districts.⁶⁰ While the FPDCC has an internal bureaucratic structure overseeing approximately 700 employees, much like any other executive branch agency, it is ultimately governed by a board of elected commissioners.⁶¹ Though the FPDCC and Cook County are technically two distinct governments, Cook County law stipulates that the FPDCC commissioners serve double-duty as regular county commissioners.⁶²

The FPDCC’s 67,000 acres make up 11% of Cook County’s land mass.⁶³ District policy calls for 80% of these holdings to be managed as natural areas.⁶⁴ Because of the FPDCC’s long history, it has been acquiring land for some time and much of these earlier acquisitions consisted of high quality wild land.⁶⁵ This might account for the fact that Cook County, despite being inhabited by 41% of the state’s population, leads the state’s counties in biodiversity.⁶⁶ Despite this biodiversity, however, the FPDCC’s preserves have come to suffer the same indignities that afflict most urban conservation lands.

⁵⁸ U.S. CENSUS BUREAU, TABLE 7: POPULATION ESTIMATES FOR THE 100 LARGEST U.S. COUNTIES (2008), <http://www.census.gov/popest/counties/tables/CO-EST2007-07.csv>.

⁵⁹ James H. Witham & Jon M. Jones, ANNUAL JOB PROGRESS REPORT App. B at 11 (1987).

⁶⁰ Trudeau, *supra* note 25, at 62.

⁶¹ FOTFP REPORT II, *supra* note 31, at 27–42.

⁶² *Id.* at 7.

⁶³ Forest Preserve Dist. of Cook County, Land Acquisition Plan, http://www.fpdcc.com/tier3.php?content_id=6 (last visited Feb. 21, 2010).

⁶⁴ FOTFP REPORT I, *supra* note 4, at 72.

⁶⁵ *Id.* at 62.

⁶⁶ See Debra Shore, *Controversy Erupts Over Restoration in the Chicago Area*, 15 RESTORATION & MGMT. NOTES 25, 27 (1997) (quoting Peter Crane); FOTFP REPORT I, *supra* note 4, at 63.

A. A Brief Natural and Human History of Preserve Acreage

Over the decades, the wetlands, forests, savannas, and prairie remnants in the FPDCC's holdings have become overrun with invasive species, such as purple loosestrife, sweet white clover, garlic mustard, honeysuckle, and black locust. Most pernicious of all, buckthorn, a small Eurasian shrub-like tree, forms a dense understory layer below the forest canopy of old native trees, especially oaks.⁶⁷ In addition to crowding out wildflowers, grasses, and shrubs of native woodland and savanna communities, buckthorn's dense shade prevents the germination of the next generation of oaks and most all other plants.⁶⁸ As the old oaks succumb without regenerating, oak woodlands will eventually be replaced by a thick, non-native brush.⁶⁹ Furthermore, the bare forest floor, under the ubiquitous buckthorn's dense shade, leaves FPDCC lands far more vulnerable to erosion than they would naturally be.⁷⁰

In the post-settlement era, the absence of fire, an ecological process endemic to northeastern Illinois, has also resulted in a fundamentally altered ecology in the FPDCC.⁷¹ Formerly open woodlands, savannas, and prairies, have all become dense and brushy with hawthorn, buckthorn, box-elder, and ash trees.⁷² Additionally, unlike lands it acquired earlier, the FPDCC's post-1950s acquisitions were largely agricultural and had been planted with Eurasian meadow grasses or quickly reforested with fast-growing non-native tree species.⁷³ According to an exhaustive, and widely-cited scientific survey, the result of decades of neglect and urban stresses have left the FPDCC's holdings in a very "sorry state," with 68% of its lands rated "poor" quality, 14% "fair" quality, and merely 18% of "good," "high," or "very high" quality.⁷⁴

The unique political culture of Chicago and Cook County, plagued by traditions of political corruption and patronage-oriented machine politics, has posed serious obstacles to the FPDCC's ability to recognize, let alone effectively address, the ecological deterioration of its lands.⁷⁵ Historically, the political leadership of the FPDCC has not always been drawn from the ranks of natural resource professionals. But, while the District Superintendent who served during the crucial period of 1964-1988

⁶⁷ FOTFP REPORT I, *supra* note 4, at 72-82 (detailing this invasive species-induced, downward ecological spiral in the Cook County Forest Preserves).

⁶⁸ *Id.* at 81-82.

⁶⁹ *See id.* at 78-82.

⁷⁰ *See id.* at 80.

⁷¹ *See id.* at 63-65.

⁷² *See id.* at 72-82.

⁷³ *See id.* at 63-65.

⁷⁴ *Id.* at 75-76.

⁷⁵ Interview with Stephen Packard, Director, Audubon Society, Chicago Region (Sept. 16, 2008) (noting the political power struggles involving the FPDCC) [hereinafter Packard Interview].

may have known little about ecology or land management, he did appreciate the importance of protecting, and expanding, one's political fiefdom.⁷⁶ So despite its shortcomings, the FPDCC has traditionally been fiercely protective of the sanctity of the forest preserve boundaries and constantly vigilant of the ever-present threat of real estate deals, road building proposals, and other private encroachments.⁷⁷ Given the legendary corruption, personalized politics, and insider wheeling-and-dealing that have come to be associated with Cook County politics, this is no small achievement.

At least in the past, a certain amount of latitude and freedom for professional staff to manage natural areas as they saw fit was inadvertently allowed by a disinterest in the details of land management among the Board and, at times, the FPDCC's own leadership.⁷⁸ It is important to note, however, that this professionalism was not institutionalized, but rather existed haphazardly in fairly isolated and uncoordinated pockets within the agency.⁷⁹ Ecologically enlightened land managers, who fully appreciated the extent of the ongoing degradation of county land, could never really respond in any systematic or comprehensive way. Rather, land managers primarily took action under the radar, relying on limited budgets, staff, and little to no institutional support.⁸⁰ The FPDCC bureaucracy, and its resources, have been geared toward the 20% of District land classified as recreational—the swimming pools, toboggan slides, picnic groves, golf courses, playing fields, and parking lots.⁸¹ For instance, the maintenance department, responsible for picking up trash and fixing up picnic areas and infrastructure, has nearly three times more employees and three times the budget than the Conservation Department and Forestry Departments combined, even though these latter two departments manage 80% of FPDCC land.⁸²

B. The Volunteer Stewardship Network

In the midst of this political context, in the late 1970s and early 1980s, a small group of citizen-activists with an evolving knowledge of, and interest in, local plants and ecosystems, got the FPDCC's blessing to begin small-scale restoration projects on several incipient prairies and

⁷⁶ FOTFP REPORT I, *supra* note 4, at 11–12.

⁷⁷ *Id.* at 8, 11–12.

⁷⁸ *Id.* at 12.

⁷⁹ Packard Interview, *supra* note 75.

⁸⁰ *Id.*

⁸¹ FOTFP REPORT II, *supra* note 31, at 79.

⁸² *Id.* at 36, 53; FOTFP REPORT I, *supra* note 4, at 83–84.

savannas along the North Branch of the Chicago River.⁸³ The FPDCC's progressive 1913 charter, which instructs the agency to engage in restoring, restocking, and protecting these natural areas,⁸⁴ seemed tailor-made to support such a project. The volunteers, who named themselves "The North Branch Prairie Project," used hand tools to cut brush and girdle trees, applied herbicide to buckthorn stumps to prevent regrowth, and, under District guidance, set periodic fires to clear more brush.⁸⁵ These restorations proved so successful that by the end of the 1980s, this model of volunteer restoration spread throughout FPDCC lands and into the other metropolitan county forest preserve districts.⁸⁶ Eventually, under the auspices of various county forest preserves and local environmental groups, these efforts were organized into the Volunteer Stewardship Network (hereinafter "VSN"), a strong new constituency for ecological restoration.⁸⁷ The VSN consisted of more than 5,000 individual volunteers⁸⁸ and hundreds of certified site stewards who logged untold hours in restoration activities on over 17,000 acres⁸⁹ spanning the entire metropolitan region.

The FPDCC's response to this citizen groundswell was an uneasy mixture of support and resentment.⁹⁰ On the one hand, it was with the blessing and on-the-ground cooperation of sympathetic professional staff that allowed the first restoration effects to get underway. The VSN was also garnering frequent, and positive, coverage in the local media,⁹¹ earning the support of most of Chicago's academic and institutional scientific community, like the Chicago Academy of Sciences.⁹² To the extent it was involved and made progress possible, the FPDCC shared in the accolades. Yet volunteers, could be seen by some as pushing in on agency turf, making land management decisions and, thereby, implicitly challenging the District staff's expertise and credibility.⁹³ "The last thing I need," said an official of a neighboring county's forest preserve district, "is citizens walking around

⁸³ See Harold L. Nelson, *Prairie Restoration in the Chicago Area*, 5 RESTORATION & MGMT. 60, 64-66 (1987) (describing the early years of volunteerism in the FPDCC).

⁸⁴ FOTFP REPORT I, *supra* note 4, at iii (citing Cook County Forest Preserve District Act, 70 ILL. COMP. STAT. 801/7 (2010)).

⁸⁵ Ben Joravsky, *Up A Tree: Dreams of Prairie Restoration Turn into a Public Nightmare*, CHICAGO READER, Nov. 11, 1996, <http://www.chicagoreader.com/chicago/up-a-tree/Content?oid=892005>.

⁸⁶ FOTFP REPORT I, *supra* note 4, at 67.

⁸⁷ *Id.*

⁸⁸ See Alf Siewers, *Making the Quantum-Culture Leap: Reflections on the Chicago Controversy*, 16 RESTORATION & MGMT. NOTES 9, 12 (1998).

⁸⁹ Joravsky, *supra* note 85.

⁹⁰ See Packard Interview, *supra* note 75.

⁹¹ FOTFP REPORT I, *supra* note 4, at 67 (citing Paula Lauer, *Nurturing Nature*, CHI. TRIB., Aug. 9, 1992, at NW3; Stevenson Swanson, *Unearthing the Prairie Past*, CHI. TRIB., Nov. 19, 1995, at C1; Roy Harvey, *The Evolution of a Prairie*, CHI. TRIB., July 7, 1996, at L1; Shirley Barnes, *Ah, wilderness*, CHI. TRIB., Nov. 3, 1996, at NW1).

⁹² Packard Interview, *supra* note 75.

⁹³ *Id.*

the woods making lists of things I need to do.”⁹⁴ Additionally, FPDCC ranks included a number of the politically-appointed old guard, beholden to what remained of the Cook County Democratic machine, which tended to associate the volunteers (perhaps unfairly) with the independent liberal reformers who were the machine’s perennial enemy.⁹⁵

Given the position the FPDCC found itself in, the VSN responded with sensitivity, trying not to overload the field staff with demands or undermine their authority, despite the fact that the volunteer stewards often provided superior expertise, technical know-how, and the bulk of labor.⁹⁶ Over time, as the District staff saw the benefits of exploding biodiversity on restored lands, trust grew between the FPDCC and the volunteers, and a more harmonious working relationship evolved.⁹⁷ The VSN was seen less as usurpers of authority and, instead, became a valuable new constituency with the ability to help the FPDCC get positive publicity and refocus priorities toward the conservation efforts which had previously been neglected.⁹⁸ As the VSN grew, the FPDCC and neighboring forest preserve districts began to hire more professional conservation staff in order to adequately orchestrate volunteer efforts.⁹⁹ The FPDCC began seeing restoration as a win-win opportunity.

By the mid-1990s, the VSN enjoyed ongoing press coverage, including a book, *Miracle Under the Oaks*, by New York Times science writer William Stevens.¹⁰⁰ The VSN also generated visits from national and international delegations, star billing at restoration conferences, and numerous awards. The VSN was eventually viewed internationally as *the* model for citizen-led restoration.¹⁰¹ In 1993, the FPDCC and the VSN formed Chicago Wilderness through a federal grant to support restoration.¹⁰² Consisting of dozens of environmental groups, local, state, and federal agencies, and the area’s premier scientific institutions,¹⁰³ the

⁹⁴ *Id.*

⁹⁵ *See id.*

⁹⁶ *Id.*

⁹⁷ *Id.*

⁹⁸ Packard Interview, *supra* note 75.

⁹⁹ *Id.*

¹⁰⁰ WILLIAM STEVENS, *MIRACLE UNDER THE OAKS: THE REVIVAL OF NATURE IN AMERICA* (1995).

¹⁰¹ Shore, *supra* note 66, at 25; Nancy Freehafer, *Controversy Over Restoration Endangers Natural Areas*, CONSCIOUS CHOICE, May-June 1997, at 16, 16 (on file with the author and the Kentucky Journal of Equine, Agriculture and Natural Resources Law).

¹⁰² Laurel M. Ross, *The Chicago Wilderness: A Coalition for Urban Conservation*, 15 RESTORATION & MGMT. NOTES 17, 21 (1997).

¹⁰³ This group included the regional forest preserve districts, Chicago Park District, the Illinois Nature Preserves Commission, Environmental Protection Agency Region V, the United States Forest Service, National Park Service, United States Fish and Wildlife Service, the Army Corps of Engineers, museums, arboretums, universities, both major zoos and the Academy of Arts and Sciences, Chicago Wilderness, Chicago Wilderness Member Organizations, <http://www.chicagowilderness.org/memberlist.php> (last visited Feb. 13, 2010).

Chicago Wilderness consortium hoped to become “a model both for citizen participation and for inter-agency cooperation.”¹⁰⁴ The restoration community lobbied for the creation of Chicago Wilderness, intending to provide a framework of institutional support for the VSN that would lend additional legitimacy and political clout to its activities, enhancing its ability to obtain grants and develop a comprehensive approach to restoration across the metro area’s 225,000 acres of public land.¹⁰⁵

C. Criticism of the Restoration Movement

Ironically, political controversy over restoration exploded not long after the official debut of Chicago Wilderness in 1996, when the stewardship movement was at its zenith. The battle began in neighboring DuPage County, where land managers had received an \$11.6 million grant to conduct oak savanna and prairie restoration on a huge, 7,000 acre scale.¹⁰⁶ Soon thereafter, a group known as the Alliance to Let Nature Take its Course (hereinafter “ATLANTIC”) formed to stop the restoration, asserting in its literature that “God made these non-native plants just as surely as he made the Oak.”¹⁰⁷ ATLANTIC adopted the motto: “4.5 billion years can’t be wrong.”¹⁰⁸ Restorationists dismissed these efforts, considering them only a new project of animal rights activists who were recently defeated in a different policy conflict over a county land deer control program.¹⁰⁹ The restoration community had supported the deer control program, and the animal rights activists were supposedly searching for a new forum to continue their fight.¹¹⁰ The fact that activists called into a talk radio program warning that the controlled burns used during restoration efforts were “frying baby rabbits and baby birds right where they stand” would seem to support this notion.¹¹¹

This challenge might have quickly blown over were it not for the efforts of a columnist for the *Chicago Sun-Times*, who picked up the story with the article *Half Million Trees May Face the Ax*.¹¹² The columnist turned the issue into something of a personal crusade, writing numerous

¹⁰⁴ Ross, *supra* note 102, at 17 (quoting Press Release, Chicago Wilderness (April 1996)).

¹⁰⁵ Packard Interview, *supra* note 75.

¹⁰⁶ Paul H. Gobster, *Restoring Nature: Human Action, Interactions, and Reactions*, in *RESTORING NATURE: PERSPECTIVES FROM THE SOCIAL SCIENCES AND HUMANITIES* 1, 3 (Paul H. Gobster & R. Bruce Hull eds., 2000).

¹⁰⁷ Siewers, *supra* note 88, at 9.

¹⁰⁸ Peter Kendall, *Trouble in Prairieland: Sacrificing Trees to Save Savannas Fuels a Backlash*, CHI. TRIB., Oct. 6, 1996, at C1.

¹⁰⁹ Packard Interview, *supra* note 75. See generally Siewers, *supra* note 88, at 10–11.

¹¹⁰ Packard Interview, *supra* note 75.

¹¹¹ Siewers, *supra* note 88, at 9 (quoting Cindy Erickson, Director of Voices for Wildlife, WGN-AM Radio Call-In Show (June 14, 1996)).

¹¹² See Raymond C. Coffey, *Half Million Trees May Face the Ax: DuPage Clears Forest Land to Create Prairies*, CHICAGO SUN-TIMES, May 12, 1996, at 9.

additional columns with sensational titles like *Forest Preserve Brass Shrugs Off Tree Hit List*.¹¹³ These stories maintained a consistent angle, describing a secretive and abusive cabal (the VSN) that had taken over a treasured public resource and imposed its strange and destructive agenda over a weak, compliant agency. “A forest preserve district cutting down its forests”¹¹⁴ was a storyline that made perfect sense to the typically cynical observer of Chicago-style politics.

Opposition to restoration ignited on a broader scale by the Fall of 1996. In response to intense pressure, the DuPage County Board of Commissioners declared a moratorium on all restoration activities, while people on talk radio began attacking tallgrass prairies as “the playthings of ‘elitists.’”¹¹⁵ Simultaneously, the anti-restoration movement spread into Cook County, spearheaded by a number of politically well-connected neighbors who did not like the restoration activities carried out on two sites bordering their affluent Chicago neighborhoods—Edgebrook and Sauganash.¹¹⁶ When these neighborhood opponents contacted their city aldermen to complain, the Chicago City Council held hearings and began pressuring the County Board, already feeling the heat from all the bad press, to take action.¹¹⁷

Although the Cook County Board and its President possess the ultimate authority over forest preserve policy, they traditionally took such a hands-off approach that critics deemed the FPDCC “the ‘forgotten child’ of Cook County government.”¹¹⁸ Now, however, Cook County Board President John Stroger faced political heat and a media spotlight for a program he knew or cared little about.¹¹⁹ He responded by claiming to be as shocked as anyone. “When I heard trees were being cut down,” he assured the public, “I went bananas.”¹²⁰ Commissioners were similarly caught off-guard: “I thought they were, you know, weeding—you know, like you do in your garden. When I saw pictures of the stumps, I said, ‘Hey, what’s going on here?’”¹²¹ As one journalist covering the story remarked, “[n]ow the commissioners had to do something, anything, to show they weren’t as out of touch as they appeared.”¹²² Consequently, President Stroger issued an executive order that put a moratorium on all restoration

¹¹³ See, e.g., Raymond C. Coffey, *Forest Preserve Brass Shrugs Off Tree Hit List*, CHICAGO SUN-TIMES, Oct. 11, 1996, at 6.

¹¹⁴ Siewers, *supra* note 88, at 12.

¹¹⁵ Kendall, *supra* note 108.

¹¹⁶ See Siewers, *supra* note 88, at 11.

¹¹⁷ Joravsky, *supra* note 85.

¹¹⁸ FOTFP REPORT II, *supra* note 31, at 6.

¹¹⁹ See Joravsky, *supra* note 85.

¹²⁰ Andrew Fegelman, *Prairie Restoration Bid Fights to Stay Alive*, CHI. TRIB., Oct. 30, 1996, at N6.

¹²¹ Jovorsky, *supra* note 85.

¹²² *Id.*

activity, including even seed collection, until hearings could be held and the issue more thoroughly examined by the Cook County Board.¹²³

Critics offered a range of philosophical and practical arguments against restoration. On a practical level, they opposed what they believed to be the dangers of controlled burns, such as air pollution, the risk of the fires getting out of control, and harm to animals.¹²⁴ Critics also opposed the use of herbicides in the Forest Preserves on the grounds that they are heavily used for recreation. Finally, those living near the preserves particularly opposed the aesthetic changes that tree thinning and brush clearance wrought.¹²⁵ Another set of complaints were more procedural in nature: the VSN was seen as a secretive group who usurped authority and undemocratically took control over a public resource.¹²⁶ These self-appointed “gods of the forest preserves,” as one critic called them, were seen as running amok with little, or no, supervision or accountability.¹²⁷ Restorationists countered that the charge of secretiveness was completely unsupported, given the intense media coverage that restoration had garnered in the previous decade, as well as the VSN community outreach and recruitment efforts.¹²⁸

The final set of arguments against restoration—that it was destructive, arrogant, and wrong-headed—was the most difficult to address as these arguments stemmed from a conceptually different social construction of nature than the restorationists employed.¹²⁹ “We’d talk to them about trees and they talked to us about biodiversity,” said one neighborhood activist, recounting unsuccessful attempts at coming to an understanding with the restorationists.¹³⁰ To the anti-restoration activists, therefore, any attempt to second-guess the direction that unmanaged nature took on the forest preserves was seen as supremely arrogant. According to one observer, “[i]t is this professed ability to know what an ecosystem *wants* that infuriates those opposed to restorations.”¹³¹ Quite simply, critics considered it an “egotistical” affront to suggest “that these forest preserves

¹²³ Shore, *supra* note 66, at 26.

¹²⁴ Paul H. Gobster, *The Other Side: A Survey of the Arguments*, 15 RESTORATION & MGMT. NOTES 32, 33–34 (1997).

¹²⁵ *Id.*

¹²⁶ *Id.* at 34.

¹²⁷ Jovorsky, *supra* note 85; Andrew Light, *Restoration, the Value of Participation, and the Risks of Professionalization*, in RESTORING NATURE: PERSPECTIVES FROM THE SOCIAL SCIENCES AND HUMANITIES 163, 176 (Paul H. Gobster & R. Bruce Hull eds., 2000).

¹²⁸ Packard Interview, *supra* note 75.

¹²⁹ See generally Joanne Vining et al., *Public Values, Opinions, and Emotions in Restoration Controversies*, in RESTORING NATURE: PERSPECTIVES FROM THE SOCIAL SCIENCES AND HUMANITIES 143 (Paul H. Gobster & R. Bruce Hull eds., 2000) (examining the perceptions and emotions responsible for causing controversy with regard to restoration activities).

¹³⁰ Jovorsky, *supra* note 85.

¹³¹ Kendall, *supra* note 108 (emphasis added).

cannot take care of themselves,"¹³² especially if the cure involved cutting down healthy trees. Making matters worse, the long-standing FPDCC policy to manage 80% of its holdings as natural areas¹³³ was, according to one commentator, misinterpreted by opponents to mean that 80% of FPDCC's forests were to be converted to prairies, a feat that was neither planned nor possible.¹³⁴

The moratorium on one of the biggest, and most successful, restoration projects in the country set off an intense counter-mobilization.¹³⁵ Because the VSN, at its core, was still a grassroots movement, it was able to muster a large and vocal response. Commissioners were besieged with calls, emails, and letters supporting restoration.¹³⁶ In three extremely contentious hearings, the well-organized supporters of restoration, and their greatly outnumbered opponents, testified for 16 hours.¹³⁷ Perhaps the most influential testimony came from the institutional partners of the newly formed Chicago Wilderness consortium, the Vice President of the Field Museum who flat out told the commissioners that, "[t]he natural processes that sustain local ecosystems no longer work."¹³⁸

To their credit, most commissioners, even if somewhat mystified going into the hearings, did their homework and diligently wrestled with the issue. In the meantime, however, nearly two decades of painstaking restoration was rapidly unraveling with the moratorium still in place.¹³⁹ According to one FPDCC naturalist, the District's highest quality lands were, in the absence of restoration activities, losing an estimated 2% of their biodiversity per year.¹⁴⁰ Worse still, the idle VSN was beginning to dissipate and disperse along with some of the agency's more knowledgeable restoration-oriented staff.¹⁴¹ The loss of so much accumulated knowledge concerning local plant communities and restoration techniques threatened to devastate the entire restoration enterprise.

¹³² Gobster, *supra* note 124, at 35 (providing a nearby resident's quote as it appeared in an unidentified news article).

¹³³ FOTFP REPORT I, *supra* note 4, at 72.

¹³⁴ Siewers, *supra* note 88, at 11.

¹³⁵ Shore, *supra* note 66, at 26-27.

¹³⁶ *Id.* at 26.

¹³⁷ *Id.*

¹³⁸ *Id.* at 27. *But see* Jon Mendelson, Stephen P. Aultz & Judith Dolan Mendelson, *Carving Up the Woods: Savanna Restoration in Northeastern Illinois*, 10 RESTORATION & MGMT. NOTES 127 (1992) (questioning the value of restoration, including the arbitrary and often misguided "chronic disturbance" model of restoration management).

¹³⁹ FOTFP REPORT I, *supra* note 4, at 71.

¹⁴⁰ *Id.*

¹⁴¹ *Id.* at 70.

D. The Restoration Movement's Recovery

In the end, the Cook County Board decided to allow restoration activities to continue, albeit with considerable new layers of FPDCC oversight and certification.¹⁴² Various practices were phased back over the course of the next few years—first seed collecting, then brush removal, herbicide use, and, finally, controlled fires.¹⁴³ However, at the two sites near the Edgebrook and Sauganash neighborhoods, political clout continued to trump biodiversity,¹⁴⁴ and a complete moratorium remained for ten years. It was finally lifted in 2006.¹⁴⁵

In the short-term, the political challenge to Forest Preserve restoration certainly took its toll on local ecosystems and their caretakers, but once the dust settled, the restoration movement emerged stronger and more politically savvy. The restoration movement's position solidified largely due to the considerable institutional weight and reputation of the organizations in the Chicago Wilderness consortium supporting it. The group operated exactly as intended in that by acting as a reservoir of scientific and cultural capital, Chicago Wilderness made it difficult, if not impossible, for local politicians or recalcitrant land managers to oppose the group. The legitimacy conferred on restoration activities by their association with preeminent institutions not only provided cover for squeamish public officials, it also opened the door to accessing federal and private grant money that might otherwise be out of reach.

While critics of restoration regrouped and remain quite active in their opposition to restoration projects on the FPDCC, they find themselves much more marginalized than during their heyday in the mid-1990s.¹⁴⁶ As for the VSN, once most restrictions imposed by the moratorium were lifted in the late 1990s, the group began taking on more complex and ambitious projects with the grant money it began receiving.¹⁴⁷ The new focus on larger restoration sites required much more planning and collaboration with county land managers, as well as a shift to power tools and subcontracting for larger-scale tree and brush removal.¹⁴⁸

While the increased political clout generated by Chicago Wilderness, as well as the grants and more ambitious projects that followed, pushed the VSN to a new level of effectiveness, the formation of Chicago Wilderness did not come without risks. Specifically, once Chicago

¹⁴² Shore, *supra* note 66, at 31.

¹⁴³ Packard Interview, *supra* note 75.

¹⁴⁴ See Shore, *supra* note 66, at 31.

¹⁴⁵ Mickey Ciokajlo, *Burn Moratorium Lifted at 5 Forest Preserve Sites*, CHI. TRIB., Oct. 6, 2006, at M6.

¹⁴⁶ Packard Interview, *supra* note 75.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

Wilderness was created, the VSN moved in a new direction of professionalization and quasi-governmental status (especially since one result of the political battles of 1996 was increased certification required for volunteers). Such changes threatened to diminish the VSN's standing as a truly unique and democratic grassroots movement.¹⁴⁹

Although restoration was once again underway, the FPDCC faced a particularly rough period spanning from 1998-2004 as budget problems (including a \$20 million deficit in 2001), low morale, and organizational disarray, afflicted the agency.¹⁵⁰ The media widely reported on the distressed state of the FPDCC, due largely to a detailed and scathing report released in 2002 by the Friends of the Forest Preserve, a watchdog group that formed in response to the restoration controversy.¹⁵¹ This report documented the FPDCC's deeply rooted problems and the shockingly poor ecological condition of its lands.¹⁵² This new round of bad press prompted the new County Board President to fire the General Superintendent and replace him with someone sympathetic and committed to restoration.¹⁵³ Furthermore, in 2005 the FPDCC increased its modest tax levy by 13.5%, and the resulting budget, widely hailed by environmentalists, moved significantly more resources towards conservation, including a new \$3 million line item just for restoration.¹⁵⁴

The top-down shake-up caused by the Friends of the Forest Preserve report created an opportunity not only for budgetary reform, but also for a deeper cultural change in the organization. Through new conservation-oriented hires, resource reallocation, and reorganization, the District moved toward the mainstream of professional land management agencies.¹⁵⁵ In a telling gesture of how much things changed, the County Board President began touting the importance of restoration in his annual budget statement.¹⁵⁶

V. THE UNIQUE POLITICS OF URBAN CONSERVATION

As the restoration controversy in Cook County reveals, the politics surrounding public land in urban areas differ from those surrounding federal lands in more ways than scale alone. Vast differences in the

¹⁴⁹ Andrew Light, *Restoration, the Value of Participation, and the Risks of Professionalization*, in *RESTORING NATURE: PERSPECTIVES FROM THE SOCIAL SCIENCES AND HUMANITIES* 163 (Paul H. Gobster & R. Bruce Hull eds., 2000).

¹⁵⁰ FOTFP REPORT I, *supra* note 4, at 20-24.

¹⁵¹ *Id.* at 22-24.

¹⁵² See FOTFP REPORT II, *supra* note 31.

¹⁵³ Packard Interview, *supra* note 75.

¹⁵⁴ Mickey Ciokajlo, *Old Foes Hail Forest Budgets: Groups Applaud County Preserves for Turnaround*, CHI. TRIB., Feb. 2, 2005, M3; Packard Interview, *supra* note 75.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

physical characteristics of public conservation lands at the federal and local levels, involving considerations such as unit acreage, connectivity, biodiversity, the nature of surrounding environment, and the level of functionality in the local ecological system, make federal and local land management essentially two different jobs. These on-the-ground facts, when combined with very different legislative and regulatory mandates, bureaucratic contexts, and interactions with interest groups, media, and the general public, lead to very divergent political dynamics at the local level. For federal land managers, this political environment has been very well-described, but for local land managers, much less so.

A. *The Legal Framework*

In considering how the politics of local public land management are distinct, perhaps the best place to start is with the legal framework that undergirds such management. Simply put, land managers at the city and county level tend to be far less constrained by legislative or regulatory guidelines and requirements than federal managers.

While larger park systems and park districts, like the FPDCC, may have federal-style charters and mission statements,¹⁵⁷ they lack the layers of federal legislation and the dense web of regulation that accumulate as federal agencies interpret such laws for implementation. For instance, a district ranger proposing a management plan for a specific planning unit in his or her national forest will need to comply with the National Environmental Policy Act (hereinafter “NEPA”)¹⁵⁸ and its raft of requirements for public participation, the National Forest Management Act (hereinafter “NFMA”).¹⁵⁹ Additionally, when applicable, the district ranger will need to comply with the Endangered Species Act,¹⁶⁰ the Wilderness Act,¹⁶¹ the Clean Water Act,¹⁶² the Northwest Forest Plan (if the forest is in the northwestern U.S.),¹⁶³ and the so-called Roadless Rule of 2001.¹⁶⁴

To the contrary, local managers are comparatively unfettered in their decision-making. In interviews with city and county land managers in

¹⁵⁷ See Forest Preserve Dist. Of Cook County, Our Mission Statement, http://www.fpdcc.com/tier3.php?content_id=1 (last visited Feb. 15, 2010).

¹⁵⁸ See 42 U.S.C. § 4332 (West, Westlaw through Feb. 1, 2010).

¹⁵⁹ See 16 U.S.C. § 472a (West, Westlaw through Feb. 1, 2010).

¹⁶⁰ See 16 U.S.C. § 1531 (West, Westlaw through Feb. 1, 2010).

¹⁶¹ See 16 U.S.C. § 1131 (West, Westlaw through Feb. 1, 2010).

¹⁶² See 33 U.S.C. § 1251 (West, Westlaw through Feb. 1, 2010).

¹⁶³ See U.S. DEPT. OF AGRIC. & U.S. DEPT. OF THE INTERIOR, RECORD OF DECISION FOR AMENDMENTS TO FOREST SERVICE AND BUREAU OF LAND MANAGEMENT PLANNING DOCUMENTS WITHIN THE RANGE OF THE NORTHERN SPOTTED OWL (1994), available at <http://www.reo.gov/library/reports/newroda.pdf>.

¹⁶⁴ See Roadless Area Conservation Rule, 36 C.F.R. § 294.1 (West, Westlaw through Feb. 5, 2010).

Wisconsin, local managers' flexibility and relative freedom of action prevailed as a prominent theme.¹⁶⁵ A city conservation director, expressed sympathy for his federal colleagues, given the regulatory morass that he felt they were bogged down in, and claimed he would never trade places with them.¹⁶⁶ Even though the director's department was relatively small, and his resources quite limited, he reveled in his capacity for experimentation, flexibility, and quick action.¹⁶⁷ Consequently, the city conservation director felt that small, local conservation agencies have the capacity to be far more innovative, nimble, and responsive.¹⁶⁸ Even when a local agency does not display these attributes (the FPDCC, for example), the reason usually has more to do with internal factors—large size, internally imposed bureaucratic procedures, or an organizational culture which favors turf and inertia—rather than the need to comply with a complex overlay of externally imposed requirements.

B. Organizational Factors

As previously mentioned, providing an accurate portrait of the *average* local conservation agency is nearly impossible due to the huge variation among the thousands of city and county park agencies; many are tiny and have just a few full-time employees, while bigger agencies, like Cook County or Maricopa County, manage as much land as some entire states do. But despite vast differences in size and scope, local land management agencies do share certain qualities. To a great extent, such agencies tend to be creatures of their local environment. In other words, personnel, organizational culture, decision-making styles, interpretation of missions, and prioritization of competing values, are all influenced by the local community and political environment in which the agency is anchored. This could not be demonstrated more clearly than by the case of Cook County, where many of the FPDCC's internal traits and dysfunctions are best understood as byproducts of the local political culture and its enduring system of machine politics.¹⁶⁹ Conversely, in some of the outlying suburban counties of the Chicago metropolitan area, where machine politics held less sway, the county forest preserve districts tended to be well-run, highly professional organizations.¹⁷⁰

¹⁶⁵ Interview with Russ Hefty, Conservation Director, City of Madison (WI) Parks Department (Nov. 24, 2008) [hereinafter Hefty Interview]; Interview with Darren Marsh, Director, Dane County (WI) Parks Division (Dec. 1, 2008) [hereinafter Marsh Interview]; Interview with Kevin Connors, Director, Dane County (WI) Department of Land and Water Resources (Dec. 1, 2008) [hereinafter Connors Interview].

¹⁶⁶ Hefty Interview, *supra* note 165.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ Packard Interview, *supra* note 75.

¹⁷⁰ *Id.*; see FOTFP REPORT II, *supra* note 31, at 22–43.

The way the local context colors city and county land management is not limited to its affect on the agencies themselves, but to how issues get resolved. Whereas restoration became a hugely contentious issue in northeastern Illinois, interviews with land managers in Madison and Dane County, Wisconsin reveal that in those communities, such activities are utterly uncontroversial.¹⁷¹ These land managers credit high levels of knowledge about local ecosystems among residents, as well as a long tradition of restoration, reaching back to the efforts of Aldo Leopold at the University of Wisconsin Arboretum in the 1930s.¹⁷²

While the notion of local socio-political factors shaping local land management may seem quite obvious, one should consider it in relation to federal land management. In his 1960 classic *The Forest Ranger*, Herbert Kaufman notes how the U.S. Forest Service built institutional loyalty, discipline, and esprit de corps by rotating rangers and superintendents in and out of various national forests across the country to avoid undue influence on those workers by any local community.¹⁷³ While an increased sensitivity to local concerns has certainly infiltrated federal land management since NEPA's enhanced participation requirements in the 1970s and the Sagebrush Rebellion of the 1980s, the notion remains strong that the first and foremost job of the federal manager is to implement federal law and policy in accordance with the agency's mission.¹⁷⁴ As one gets further from Washington D.C., a feeling that federal managers are *imposed* from afar permeates local communities abutting federal land.¹⁷⁵ In turn, a barrier, and occasionally a ferocious enmity, arises between local residents and federal managers,¹⁷⁶ a dynamic that never really occurs in the same way for city or county land managers.

While most land management agencies (federal, state, and local) struggle to maintain adequate financing, it more strongly effects how agencies at the local level operate. Local park agencies usually lack the strong organizational culture, cohesion, and long history that federal land management agencies possess. This lack of clout, coupled with a greater financial vulnerability of cities and counties to economic cycles, creates a

¹⁷¹ Hefty Interview, *supra* note 165; Marsh Interview, *supra* note 165.

¹⁷² Hefty Interview, *supra* note 165; Marsh Interview, *supra* note 165.

¹⁷³ KAUFMAN, *supra* note 6; Tripple & Wellman, *supra* note 6.

¹⁷⁴ See CULHANE, *supra* note 7 (describing how a federal land manager balances cross-pressures).

¹⁷⁵ See Sandra Davis, *Fighting Over Public Lands: Interest Groups, States, and the Federal Government*, in WESTERN PUBLIC LANDS AND ENVIRONMENTAL POLITICS, 23-27 (Charles Davis ed., 2001) (providing summary of local opponents of federal control).

¹⁷⁶ See, e.g., Florence Williams, *The Shovel Rebellion*, MOTHER JONES, Jan-Feb 2001, at 61 (providing an example of this phenomenon in describing the so-called "Shovel Rebellion" of Elko County, Nevada, where certain local residents clashed with the U.S. Forest Service in a confrontation that included threats, violence, and intimidation).

much more unpredictable resource base for local park agencies.¹⁷⁷ Several ramifications result from this combination of features. One is that budget constraints keep local park agencies small and their efforts modest.

Even in the comparatively well-funded Dane County Parks Department, dealing with budget limitations remains the dominant preoccupation of the staff members interviewed.¹⁷⁸ Dane County Park officials look to creative revenue generation techniques, minimization of infrastructure, and volunteer efforts to make ends meet, while describing their spending prioritization as “triage.”¹⁷⁹ In Cook County and many other local park systems, external grants are critical for agencies to attempt restoration or adopt any initiatives exceeding basic operations.¹⁸⁰ Of course, any time an agency becomes heavily dependent on external funding, be it corporate, non-profit, or federal, the agency invites the criticism that a grantor unduly influences the agency. Critics argue that this is precisely what happened with the FPDCC and Chicago Wilderness. While Chicago Wilderness was more of a grant-generating middleman than an actual grantor, critics claimed that the FPDCC surrendered to the whims of this powerful consortium, at least where restoration was concerned.¹⁸¹ Whether or not this is true, Chicago Wilderness’s ability to help FPDCC obtain large grants for taking on ambitious restoration projects in turn ensured a pro-restoration stance, professionalization, and eventual reform.

For a thousand-plus special park districts, independent taxing powers create a far more stable budget and potentially more organizational independence.¹⁸² In interviews with staff members at the Dane County Parks, a traditional executive agency, park district status was seen as something of a holy grail. For these managers, park district status represents a highly coveted, but unlikely reform that they wistfully claimed would deliver them from their unending budget worries.¹⁸³ When highly professionalized conservation agencies do have special park district status, as some of outer counties surrounding Cook County do, the results for conservation and restoration can be quite impressive. These generally well-run, well-funded agencies, tend to be immune to external political interference.¹⁸⁴

¹⁷⁷ See Pub. Policy Inst. Cal., *The Organizational and Fiscal Challenges of Providing Public Services in Los Angeles County*, RESEARCH BRIEF, June 2000, available at http://www.ppic.org/content/pubs/rb/RB_600MBRB.pdf (analyzing such financial vulnerability as it applies to Los Angeles County).

¹⁷⁸ Marsh Interview, *supra* note 165; Connors Interview, *supra* note 165; Hefty Interview, *supra* note 175.

¹⁷⁹ Marsh Interview, *supra* note 165.

¹⁸⁰ Packard Interview, *supra* note 75.

¹⁸¹ Interview with Resource Ecologist, Cook County Forest Preserve (Sept. 9, 2008).

¹⁸² Trudeau, *supra* note 25, at 63.

¹⁸³ Marsh Interview, *supra* note 175; Connors Interview, *supra* note 175.

¹⁸⁴ Packard Interview, *supra* note 75.

In Cook County's case, however, special taxing powers did not eliminate budget woes. This result could be due to the manner of resource allocation that prevailed in that particular political culture. Rather than advancing conservation, much of the FPDCC's considerable budget went to protect priorities and positions that critics saw as "dead wood" within the District.¹⁸⁵

C. Public Participation and Public Opinion

Literature on federal land management focuses a great deal of attention on the role of public participation. Whether public administration should be a closed process of applying scientific and technical expertise, or a more open and democratic process of soliciting and interpreting public policy preferences, has long been a matter of debate.

The closed-off model of public administration that prevailed until the 1970s, was, according to Hayes, in keeping with the Progressive Era notions of scientific resource management.¹⁸⁶ To other critics, however, federal agencies' disinterest in public input was less a matter of expertise and more about their capture by entrenched interests engaged in resource extraction on public land.¹⁸⁷ Regardless of the truth of either theory, federal agencies were eventually forced by federal legislation (most prominently NEPA) to open up their decision-making processes to a rigid set of procedures and practices that ensure public participation.¹⁸⁸ To managers more comfortable with the closed model of administration, participation would grudgingly take the form of sharing and collecting information, while participation to those who were more enthusiastic would become a "social-political activity in which decision making should be shared between land managers and their public."¹⁸⁹

The role of public participation in land management politics at the city and county level is a complex and somewhat contradictory matter; in a way, there is both more and less participation at the local level. On the one hand, mandatory and detailed participation requirements that exist at the federal level are generally absent. A local manager can essentially ignore

¹⁸⁵ *Id.*

¹⁸⁶ HAYS, *supra* note 5.

¹⁸⁷ See, e.g., WILLIAM VOIGT, JR., PUBLIC GRAZING LANDS: USE AND MISUSE BY INDUSTRY AND GOVERNMENT (1976); GRANT MCCONNELL, PRIVATE POWER & AMERICAN DEMOCRACY (1966).

¹⁸⁸ There has been much debate as to whether four decades of mandated allowance of public participation has influenced agency behavior and/or policy outputs at all. Compare CULHANE, *supra* note 7, Deborah S. Carr & Kathleen Halvorsen, *An Evaluation of Three Democratic, Community-Based Approaches to Citizen Participation: Surveys, Conversations with Community Groups, and Community Dinners*, 14 SOC'Y & NAT. RESOURCES 107 (2001), and Wendy Nelson Espeland, *Bureaucratizing Democracy, Democratizing Bureaucracy*, 25 LAW & SOC. INQUIRY 1077 (2000), with Mohai, *supra* note 7.

¹⁸⁹ Carr, *supra* note, at 767-68.

public input and make all sorts of snap decisions in the field as he or she sees fit, so long as those decisions remain relatively obscure and uncontroversial. Instead, the decision of whether or not to solicit public input tends to be a judgment call. If a proposal might prove controversial, then a pre-emptive informational meeting might often be called, but if the risk of drawing complaints is low, then managers simply do what they feel is best.¹⁹⁰ One circumstance in which local managers feel that deeper, more interactive forms of public participation are appropriate, involves the creation of long-term land use plans for the city or county.¹⁹¹

While mandatory forums for public participation are hard to find at the local level, the very nature of urban parks nonetheless assure vigorous public involvement. Urban park systems' fragile, and fragmented, holdings in densely populated areas set the stage for numerous boundary conflicts involving an often crowded, and complicated, roster of neighbors, recreationists, environmentalists, and other park users. If the principle "not in my backyard" typifies America's decentralized politics, then it is also important to remember that any urban park quite literally abuts many more backyards than Denali or Isle Royale National Parks. The paradox of public participation at the local level, is, therefore, as follows: while legal requirements and official mechanisms for participation are scarce, the public is most apt to perceive its stake in public land use decisions at the most local, accessible, and familiar level of government. Therefore, participation in land management at the local level is typically more ad hoc and dependent on sporadic bursts of activism, while rigidly defined procedures and on-going routinized participation exists at the federal level.

The history of restoration on FPDCC lands offers an excellent illustration of the complex, and variable, role of the public in the politics of local land management. The agency's decision-making structures were devoid of mechanisms for gathering public input, and its organizational culture was quite averse to seeking public input of any kind.¹⁹² Not surprisingly, the FPDCC generally acted in an isolated manner, viewing the public as only a consumer of policy output rather than a partner in shaping decisions.¹⁹³ "You don't ask the public," explained one FPDCC manager, "you do it to them. You do it right, and they'll like it."¹⁹⁴ Yet as the restoration battle shows, activists, interest groups, and public opinion can become the driving force regardless of what the FPDCC, or any other local agency, may prefer.

¹⁹⁰ See Marsh Interview, *supra* note 165; Connors Interview, *supra* note 165.

¹⁹¹ Connors Interview, *supra* note 165

¹⁹² FOTFP REPORT II, *supra* note 31, at 23.

¹⁹³ Packard Interview, *supra* note 75.

¹⁹⁴ *Id.*

The interplay of interest groups in the Cook County restoration conflict abounds with ironies and complexities. At the federal level, land management policy battles follow a fairly predictable pattern: environmental groups pitted against resource extraction interests or high-impact recreationists, such as boaters, ATV-users, and snowmobilers, with the federal agency either acting as facilitator or clearly taking sides (more often the latter in the case of the U.S. Forest Service and Bureau of Land Management).¹⁹⁵ Conversely, in Cook County such vividly-drawn lines and categories blurred as all the groups involved claimed the environmentalist mantle and aimed to protect their beloved forest preserves. While ultimately backing the restorationists, the FPDC was far more of a bystander to the battle than an honest broker.

In federal policy battles, the supposed expertise of federal managers in matters such as forestry and range-management has traditionally been viewed with deep suspicion by environmentalists. Expertise in other disciplines, like conservation biology, hydrology, or ecology, has been asserted as an alternative to federal agencies' narrow, resource-oriented forms of expertise.¹⁹⁶ Thus, federal policy conflicts have long involved challenges to claims of agency expertise. The local struggle in Cook County was no different in this regard, except that it was anti-restoration activists who were challenging the expertise of VSN and its agency sponsors. If one accepts that VSN restorationists more closely resembled mainstream environmentalism than their opponents, and the roster of environmental groups in Chicago Wilderness would seem to confirm this,¹⁹⁷ then these environmentalists found themselves in a curious and uncomfortable position; they were appealing to scientific and technical arguments against passionate grassroots activism intended to save trees from being cut down. Furthermore, the VSN found itself in the situation of vigorously defending public agencies and "acronymed government programs."¹⁹⁸ At one point in the debate, the VSN was even publicly defended by Monsanto Corporation, the maker of herbicides used for buckthorn control.¹⁹⁹

¹⁹⁵ See CULHANE, *supra* note 7 (articulating the so-called honest broker role for federal agencies). *But see* BEN W. TWIGHT, ORGANIZATIONAL VALUE AND POLITICAL POWER: THE FOREST SERVICE VERSUS THE OLYMPIC NATIONAL PARK (1983) (containing a good example of the federal agency bias argument).

¹⁹⁶ Hanna Cortner, *The Governance Environment: Linking Science, Citizens, and Politics, in* ECOLOGICAL RESTORATION OF SOUTHWESTERN PONDEROSA PINE FORESTS 70–80 (Peter Friederici ed., 2003).

¹⁹⁷ See Chicago Wilderness, Chicago Wilderness Member Organizations, <http://www.chicagowilderness.org/memberlist.php> (last visited Feb. 28, 2010) (listing all 251 participating members of Chicago Wilderness).

¹⁹⁸ Siewers, *supra* note 88, at 12.

¹⁹⁹ *Id.*

The irony of the situation is enhanced even further when considering that VSN, which has been the heart and soul of the entire restoration enterprise in northeastern Illinois, continues to remain one of the best examples of collaborative and participatory grassroots environmental activism. As noted by sociologist Reid Helford:

It is interesting to consider those competing definitions of expertise and public involvement, especially when we take into account the specific history of the volunteer restorationist[s] in Cook County. At one time it was these volunteers who challenged established authority in order to extend the value and meaning of their work beyond simple management activity to that of scientific authority. Employing this rather conservative notion of expert authority belies the historical grassroots, “citizen-scientist” ethos of the volunteer restorationist.²⁰⁰

But the appeal to scientific authority inherent in VSN’s position, along with its absorption into the larger quasi-governmental Chicago Wilderness consortium, allowed critics to cast these volunteers as an elitist entity pursuing nefarious purposes.²⁰¹ In other words, the VSN was portrayed as precisely the sort of people that the environmentally-inclined tend to distrust.

Profoundly low levels of knowledge, and some contradictory attitudes among the general public regarding local ecosystems and restoration practices, added to the confusion and distrust.²⁰² Random surveys conducted soon after the height of the controversy found that while 90% of respondents agreed that restoring natural areas was good, and 75% agreed that restoration to pre-settlement conditions would create healthier ecosystems, 77% also opposed cutting mature trees or using herbicides in the course of restoration—two of the most important restoration techniques.²⁰³ Thus, the survey’s authors reported “a wide gap between approval of [restoration] goals and disapproval of the means of achieving them.”²⁰⁴

A final element setting the Cook County controversy apart from a typical federal policy conflict is the role played by the media. What

²⁰⁰ Reid M. Helford, *Constructing Nature as Constructing Science: Expertise, Activist Science, and Public Conflict in the Chicago Wilderness*, in *RESTORING NATURE: PERSPECTIVES FROM THE SOCIAL SCIENCES AND HUMANITIES* 119, 129–30 (Paul H. Gobster & R. Bruce Hull eds., 2000).

²⁰¹ See *id.* at 125–28.

²⁰² Susan C. Barro & Alan D. Bright, *Public Views on Ecological Restoration: A Snapshot from the Chicago Area*, 16 *RESTORATION & MGMT. NOTES* 59 (1998).

²⁰³ *Id.* at 61–63.

²⁰⁴ *Id.* at 63.

ultimately caused the restoration conflict to rapidly expand from an obscure land management initiative to an intense conflict and dramatic moratorium was heavy, aggressive, and consequential media coverage of a sort rarely seen in federal policy battles. Perhaps media coverage plays a more pivotal role in local issues because local land politics occur within a geographically confined setting involving resources and actors well-known to a given audience.

In the case of Cook County restoration, media coverage was a double-edged sword. During the years preceding the controversy, the VSN's restoration program was the subject of a consistent, fairly sophisticated, and generally supportive stream of coverage. However, once the conflict erupted, the coverage shifted to a much more dramatic angle (i.e. "agency cuts down its own trees") and this served to mobilized enough citizens to prompt the previously unaware, disinterested City Council and County Board to become involved.

VI. CONCLUSION

The case of restoration in Cook County demonstrates that the political contours of urban public land management at the local level differ significantly from those surrounding the more familiar and well-described management of federal public lands. Some of the differences between federal and local land management are structural in that they are embedded in the profound physical and ecological differences and management needs of fragmented and degraded urban parcels, versus larger, contiguous federal parcels. The former requires management focused on ecological restoration, maintenance, and crowd supervision, while the latter often features a combination of preservation and resource extraction. Other differences lie in organizational factors, including resources, staffing, organizational culture, legislative mandates, and the influence of the local context. Finally, public participation, interest groups, public opinion, mass media, and the perception of expertise within the agency all play a role in setting apart local urban park management and the political dynamics that mark it.

