

WATER AND POWER:
The Environmental Politics of a Virginia Reservoir

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Thesis submitted to the Faculty of
Virginia Polytechnic Institute and State University
In partial fulfillment of the requirements for the degree of

Masters of Science
in
Geography

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April 30, 1999
Blacksburg, Virginia

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(ABSTRACT)

This thesis attempts to problematize the power relations in environmental administration and decision making through the analytical lens of environmental discourse and ethics. It argues that developments in environmental politics reveal a marked increase in democratic involvement through an emerging ecological civil society as reflected in the case study of the proposed King William Reservoir in Virginia. An ecological civil society could become the leaders and educators in communities to develop the expertise needed for responsible democratic participation in environmental decision making at the local level. As reflected in the case study, however, official political marginalization and exclusion of the public are continued features of federal and state environmental processes and structures. These processes and structures should be re-formed to include new democratic elements which would increase local control and responsibility for environmental transformations, and reduce conflicts overall.

Acknowledgments

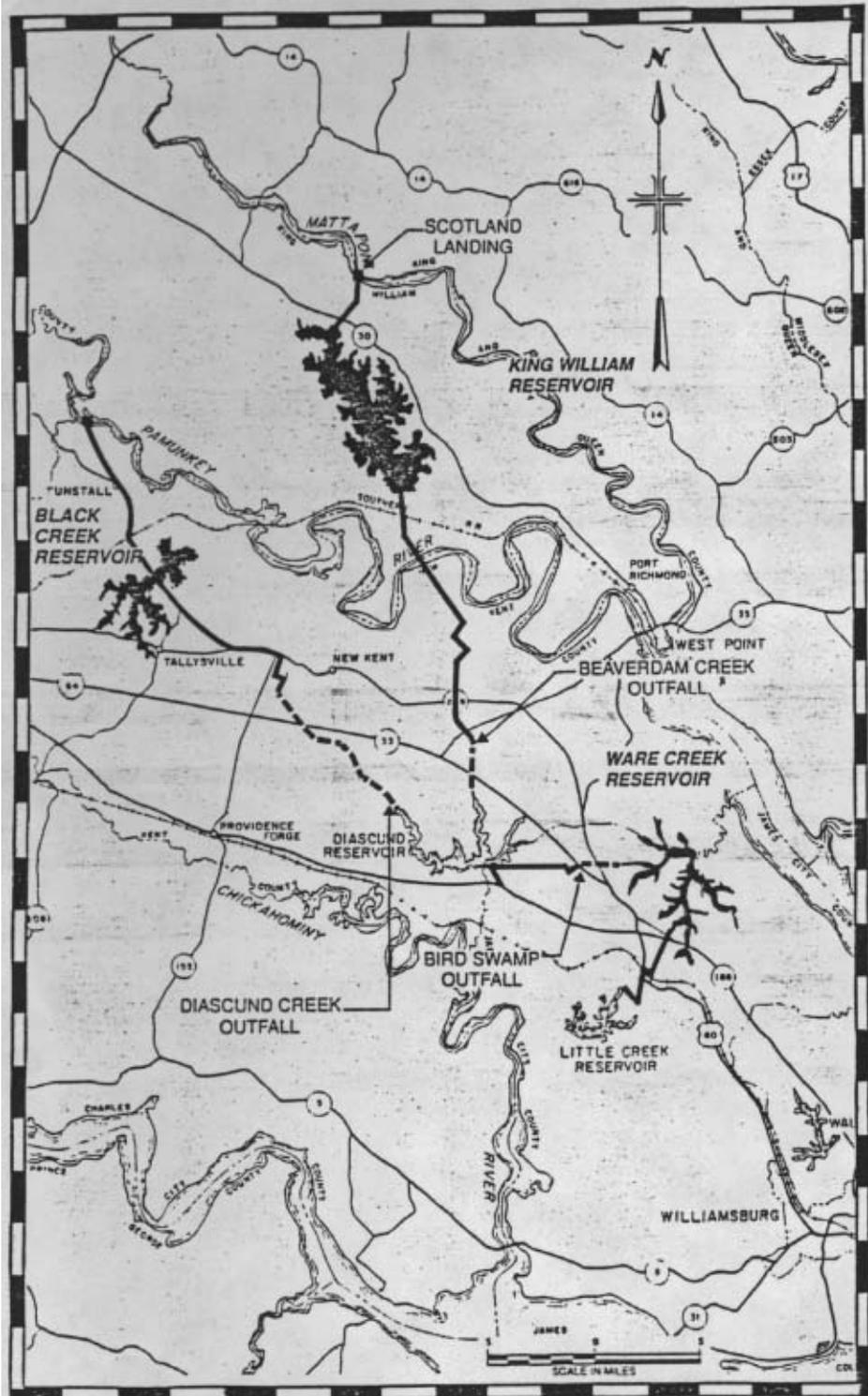
I would like to thank the many people who made this thesis a reality. Firstly, my parents for their early support of my interests in issues of control and environmental matters great and small. I would like to thank my advisor Dr. Gerard Toal for his suggestions and encouragement, and for the many drafts he edited to make this a stronger thesis. I would also like to thank my committee members, John O. Browder and Timothy W. Luke, for their comments on the thesis and in the classroom. I extremely grateful to the many government staffers, public officials, citizens, and community leaders (a list too lengthy to list here) who answered my questions, provided me with reports, and who agreed to be interviewed. I must give a special thanks to Gary Rouse who allowed me to distract him from work for a day so that I could experience and study the Mattaponi River firsthand, and to Cliff Pender who also volunteered his personal time to this endeavor. Further appreciation goes out to the faculty, staff, and fellow graduate students whose daily support and assistance made the whole process more interesting and rewarding.

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Table of Abbreviations

| | |
|--------|---|
| ACE | U.S. Army Corps of Engineers |
| ASM | Alliance to Save the Mattaponi |
| BOS | Board of Supervisors |
| DEQ(V) | VA Department of Environmental Quality |
| EIS | Environmental Impact Statement |
| EPA | U.S. Environmental Protection Agency |
| ESA | Endangered Species Act |
| FWCA | Fish and Wildlife Coordination Act |
| FWS | U.S. Fish and Wildlife Service |
| HEP | Habitat Evaluation Procedure |
| KW | King William County, VA |
| KWRP | King William Reservoir Project |
| MPRA | Mattaponi and Pamunkey Rivers Association |
| NEPA | National Environmental Policy Act |
| NN | Newport News, VA |
| NNWW | Newport News Waterworks |
| RRWSG | Regional Raw Water Study Group |
| SWCB | VA State Water Control Board |
| TCP | Traditional Cultural Property |
| UIV | United Indians of Virginia |
| VMRC | VA Marine Resources Commission |
| VWPP | VA Water Protection Permit |



Map I.1: RRWSG reservoir proposals and existing surface water,

Lower York & James Watersheds. Source: RRWSG 1993 (Feb.), 3.

Timetable

1987

Mar. 9 Regional Raw Water Study Group organized by Lower Peninsula governments.

1989

May 23 +Memorandum of Understanding, a cooperative agreement between NN and KW County to pursue reservoir idea is signed.

1990

Aug. 1 +Notice for Public Comments (Scoping) issued by ACE.

Nov. 13 +“King William Reservoir Project Development Agreement” Contract signed by Newport News and King William Co., renewed in '91, '92, '95, '97.

1993

Apr. 20 +RRWSG officially endorses KWR as preferred alternative.

Jul. 1 +“Joint Permit Application” is filed with the VMRC by NN.

Jul. 15 +Community Workshop (in KW) held for RRSWG and public.

1994

Feb. 4 +Draft EIS released by ACE

Mar. 8 +Public hearing on DEIS

Apr. 20 +Comment period closed [May 20 for government agencies]

May +Wetland study and classification conducted by two consulting firms

1995

Feb. 14 +Wetland Mitigation Workshop held by RRWSG

Jun. 8 +Revised “Joint Permit Application” filed with VMRC by NN.
--moved dam from Site 1 to Site 2 to minimize wetland impacts

Aug. 2 +Second wetland mitigation workshop that included the public, RRSWG, FWS, EPA, ACE, DEQ, DC&R all attending

Dec. 29 +Supplemental EIS (Comment closed 3/28/96) released by ACE.

1996

Feb. 29 +Public Workshop held by RRWSG.

Jul. +Habitat Evaluation Procedure field research conducted by ACE, EPA, FWS.
--resulting changes: site was moved 9,000 ft upstream, reduced impact on wetlands and open water from 653 to 437 acres.

Oct. +Pump station property purchased by NN Waterworks

Dec. 4 +NN and K&Q staff and officials have meeting.

Dec. 26 +Second revised “Joint Permit Application” filed with VMRC by NN.
--reflected change to a Dam IV to further mitigate wetland impacts

1997

Jan. 10 +NN officials meet with Mattaponi Tribal Council.

Jan. 24 +Final EIS (comment closed on 7/25/97) issued by ACE.

Feb. 19-20 +Mitigation site tours conducted by RRWSG for public and agencies.

1997(cont.)

- Feb. 27 +NN officials meet with Pamunkey Tribe leaders.
- Mar. 1 +Draft VA Water Protection Permit released by DEQ.
 - Document released listing requirements for state certification that federal permit activity will not cause a violation of state water quality conditions (comment ended 7/25/97). Required SWCB approval.
- Mar. 31 +DEQ hold public hearing on Virginia Water Protection Permit.
- Jul. 16 +DEQ hold second public hearing on VWPP
- Jul. 25 +Fish and Wildlife Coordination Act Comments issued by FWS.
- Dec. 16 +State Water Control Board approves Draft VA-WPP

1998

- Aug. +NN Circuit Court Judge dismisses VWPP opponent's appeals.
- Sept. 18 +Endangered Species Act Biological Opinion issued by FWS

1999

- Feb. 22 +KW BOS requests a Supplement to FEIS from ACE
- Mar. 2 +NNWW offers the three KW tribes 1.5 million for compensation for lost traditional cultural properties.

Introduction:
Environment and Power

Problems with the ‘environment’ are emerging as the most immediate and collective challenge to humanity in the next century. As a result of human activity, the planet’s ability to support our species indefinitely is declining in a variety of ways. Human impacts globally are altering the distribution and status of energy and chemical compounds, as well as other organisms. Currently, however, these impacts are not comprehensively understood or controlled. Global warming (and associated issues of greenhouse gas emissions and global climate change), ozone depletion, biodiversity, deforestation, and radioactive waste are just some of the issues that continue to be contentious globally, and there are extensive other controversies at smaller scales. As a result of these developments, there are now many efforts to develop new research and administrative mechanisms at every scale that will halt the persistent damage and allow physically and socially adaptive economies to emerge.

Of primary concern for those attempting to discover social methods of reducing environmental decline are the ways that this decline is perpetuated within current social structures and processes. Some of the most important of these social forces include the power structures which exert controlling influences on humanity’s interaction with the physical environment, and the assumptions on which these and other human impacts on the planet rest. Understanding and describing how these structures and processes function is useful in several ways. It allows researchers to understand variables, isolate specific problem areas, and propose alternative solutions and options to identified problem sources. One very influential account of the social generation of environmental structures and processes in the contemporary capitalist developed world is the work of Ulrich Beck.

Risk Society

Beck (1992) describes contemporary human-environment interactions as ‘the risk society’, in which the social distribution of hazardous side-effects has replaced scarcity as the central organizing principle of modern societies. Key to the politics of this trend is the social dissemination of knowledge of these risks, regardless of their actual physical distribution. The fear generated by the perception of toxins, radiation, and environmental damage is increasingly becoming a motivating force for people, replacing the push for material well-being as consequences outstrip benefits in importance.

Beck has put forward five theses concerning the risk society. Firstly, contemporary risks are unique in their scope and their dependence on mass media, science, and courts to define them. He describes risks as systematic, irreversible, invisible, and collective. For example, new risks such as radioactivity are more dangerous and technical than were previous hazards, and as a result they “initially only exist in terms of the (scientific or anti-scientific) *knowledge* about them. They can thus be changed, magnified, dramatized or minimized within knowledge, and to that extent they are particularly *open to social definition and construction* [italics in original].

Secondly, there are social relations that affect the distribution and production of risks, such as economics, education, and political activism. These risks are reflective of the same unequal distribution as these other social relations. However, through a “boomerang effect” risks break down borders and class patterns to affect everyone eventually, even those who generate and profit from them. Despite this risk exposure continues to show unequal patterns internationally as well as locally.

Thirdly, as a result of different issues and power differentials there are always different winners and losers in relation to risks. This is largely a result of the logic of capitalist development, and the superior resources that industrial groups are able to utilize to their own benefit. Big business is able to define risks to their benefit.

Fourthly, knowledge about risks becomes a key political variable as people discover the dangers which have been imposed on them without their knowledge. This calls science into question,

Lastly, risks take on a political explosiveness as a result of these factors (Beck 1992, 22-24).

The consequences of risk society are that people are no longer centrally worried about their economic well-being to the exclusion of their health. Perceptions of danger to health can act to motivate people through processes that Beck calls ‘subpolitics’, which he differentiates from conventional politics:

In short, a double world is coming into existence, one part of which cannot be depicted in the other: a world of symbolically rich political institutions, and a world of often concealed everyday political practice (conflicts, power games, instruments, and arenas On the one hand, a political vacuity of the institutions is evolving and, on the other hand, a non-institutional renaissance of politics (Beck 1997, 98).

Subpolitics is defined by Beck as ‘social arrangements from below’, and they describe the collective impacts of individual interactions and their associated technological mediums on politics. It incorporates the politicized space of human relationships and communication outside of institutional, ‘official’ politics. It is the sphere of conversation, activism, protests and demonstrations rather than voting or bureaucratic administration.

As a result of the growing importance of ‘public opinion’, peoples’ everyday lives are becoming politicized and official political institutions are becoming ‘unpolitical’ as they lose their effectiveness as a result of increasing turmoil and conflict. As a result, politics appears *beyond* the formal responsibilities of participation (voting, jury duty, census) and government hierarchies (Beck 1997, 99). Increasingly politics are influenced by technologies and consequences which have the potential to both facilitate or radicalize political participation. Beck sees an important role for these trends: “Subpoliticized society is, or more cautiously, could become (among several other possibilities), the civil society that takes its concerns into its own hands in all areas and fields of action of society” (104).

It is by systematically scrutinizing emerging subpolitics in relation to more overt politics in human-environment relations that evolving systems of ‘environmental politics’ can be analyzed. Environmental politics, briefly, is the interaction of human power dynamics with the biosphere, and it has only recently begun to be described in its

full complexity. Ecological processes have always been enigmatic in terms of both variables and their relationships, but in the contemporary period research into the physical environment's processes is being dramatically confused by human driven environmental transformation.

New scientific tools of analysis are enabling us to observe human environmental impacts in new ways, but these technologies of learning have not begun to develop as quickly as technologies of change. In effect, we can alter but not fully understand our environment. This situation is largely compounded by economic processes which expand technical change spatially into new markets, and scientifically (through funding research and development) faster than other scientists can determine the impacts of such change, and grinding political processes can then manage those impacts.

In the face of this problem, it is becoming apparent to some scholars that humans have to change the way they interact with their environment. Plausible solutions, however, must address two issues—the need to better understand human environmental impacts and better methods to administer them. These are the central issues with which environmental politics is concerned, and historically progress has been meager and incremental. This inertia results primarily from groups and individuals within societies which perceive themselves as benefiting from current systems of environmental interaction and extraction. In addition to this generalized scientific and social complexity, environmental change and politics both occur within a multiplicity of interlocking scales and relationships, all of which must be examined in their unique specificity. Human societies are often as diverse as the physical worlds from which they stem, and policy recommendations must be as specific as possible to both. Due to changes in ecology and culture, the general applicability of an environmental policy cannot be assumed.

As a result, the role of an 'ecological civil society', as will be discussed in more detail in Chapter 1, could be central to adaptive environmental politics. An ecological civil society would incorporate local knowledge and leadership pools that affect environmental politics through the subpolitical level. Due to their inherent grounding in

local communities, they can provide contextualized and democratic solutions to emerging environmental conflicts.

It is in this vein that this foray into environmental politics is grounded in a specific case study. This study incorporates elements from the larger capitalist structures which are currently dominant globally, through the environmental policies and bureaucracies of the United States of America, to those of the Commonwealth of Virginia, and on to the communities of King William County and Newport News, Virginia. At these various scales, it is hoped that the mechanisms and influence of such concepts as subpolitics and ecological civil society will be made concrete and perceptible by applying them directly to one specific environmental conflict. This examination of some environmental power structures within the United States as they relate to one specific environmental issue is meant to be illustrative of many of the dominant subpolitical and political structures at work in this country, and how they may be or ought to be changing.

It should be noted that the environment has been politicized from the earliest origins of the European colonies in America. Starting from those beginnings and into the present day, 'environmental politics' has been one of the most important elements of control and domination in America. Europeans and natives fought over territory and its associated resources, fishing, fur-trading, agriculture, and transportation routes for centuries, and in many ways these struggles are continuing, as we shall see. As recently as the turn of the century, American Bison were nearly wiped out by European Americans in an effort to deny natives a fundamental cultural, economic, environmental—and therefore political—resource. The widespread institution of slavery would reach dominance in the American South but not in the North as a result of economic opportunities presented by their respective environments. The South was generally suited for large-scale plantation style agriculture, the North benefited more from industry based initially on water power. These extensive relationships are thus embedded in the whole of United States development.

The same is especially true of Virginia, as the first colony and a slave state the social and ethnic relationships of Virginians were focused by their economic dependence

on the physical environment and the human struggles to exploit it and one another. This history will be described in more detail in Chapter 2, but parallels between American environmental political history as a whole and Eastern Virginia's development are linked by a shared development, and remain linked through shared federal environmental administrative bureaucracies and economic systems. King William County in Virginia's Tidewater Region has been a part of this history since the capture of John Smith from the original Jamestown colony. Its current environmental political transformation, as an indication of emerging trends, thus has larger implications for the rest of the country's political future.

The following study of the environmental politics of the King William Reservoir (KWR) project is characteristic of these developments. In this study the primary focus of study will be the central question of 'who decides' in environmental decision making. In the current U.S. model this question must include the various governing and administrative bodies at every scale.

In the examination of this state of affairs as it applies to the KWR project there will be a concerted attempt to call into question many of the structures and perspectives described by the case study. There are two primary reasons for this. The first is that, if possible, environmental administration must be improved. The second speaks to the larger issue of human government in general. Whether we focus on the environment specifically or other human interaction spheres, humanity deals with the consequences of decisions collectively. It is the first assumption of this study that collective consequences should, in a just society, entail some measure of collective decision making.

Chapter 1: "Environmental Politics and Civic Society: Contesting meaning and control" addresses in more detail the specific argument of this thesis, namely, that the development of the King William Reservoir project reveals an increase in democratic participation by local citizenry which has largely been resisted by the relevant governing institutions. In order to frame this argument, some current literature and theory is reviewed and discussed.

Chapter 2: “The County and the City: A Tale of Two Geographic Places” discusses the setting of this case study, presenting community profiles and background data. In addition to describing relevant geography and history, this chapter argues that King William County originally presented a very politically passive citizenry which would react slowly to the emerging project.

Chapter 3: “Urban Water Needs: Genesis of a Reservoir” describes the initial formation of the KWR project proposal, and its slow development in the late eighties and early nineties between the jurisdictions of Newport News, Virginia and King William County, Virginia. While describing the historical development of the proposal, this chapter argues that the two jurisdictions failed in many ways to include all the interested river stakeholders in decision making in any effective way.

Chapter 4: “Rural Reactions: Genesis of Resistance” describes the formation of the two environmental groups that have been most directly involved in the process, as well as the larger opposition coalition that they were able to form with local Native American tribes, business groups, and other regional and national environmental associations. The argument here is that such localized groups represent the formation of an “ecological civil society” which is becoming both more capable and demanding of greater decision making roles in environmental politics.

Chapter 5 “Administering the Environment: Bureaucracies of Control” introduces the various permit processes involved in the King William Reservoir Project. This chapter will describe how the contemporary “ethic of authority” in the overwhelmingly bureaucratic U.S. administration complex has co-opted control of the environment. This results in the dismissal of local knowledge bases, and resistance to expanding local democratic processes. Local citizens are allowed to comment and inform themselves, but are not given official and direct influence on government environmental administration processes.

Chapter 6 “A Process of Ecological Conflict” describes the interaction of local, regional, state, and federal actors with the oppositional forces through the approval process to date. This will continue looking at the related topics of the role of science in policy making, and the burden of proof in cases of potential environmental damage

which requires the opposition to prove harm rather than the applicant to prove safety. In order to do this it explores the way in which certain environmental disruptions are rendered 'harm-less' through government processes, and the way these decisions have been resisted locally.

The conclusion, "Democracies of Practice and Principle" makes an argument for greater local, democratic control over environmental decision making. Due to the massive scale of global change, the local has become the only scale limited enough and concrete enough for use values to contest exchange values. With elements of Beck's Risk Society of institutional biases, crises of authority, and the spread of "unsustainable" economies in virtually every U.S. community, it is time to rethink who makes decisions, and how they go about discerning and weighing the variables. This should lead the way towards community level negotiation utilizing both subpolitics and new political institutions so that those who suffer the consequences of environmental change are also included in administering it.

Chapter 1:
Environmental Politics and Civic Society:
Contesting meaning and control

The natural world . . . is one of infinite varieties and complexities, a multidimensional world which contains no straight lines or completely regular shapes, where things do not happen in sequences, but all together; a world where—as modern physics tells us—even empty space is curved. It is clear that our abstract system of conceptual thinking can never describe or understand this reality completely. In thinking about the world we are faced with the same kind of problem as the cartographer who tries to cover the curved face of the earth with a sequence of plane maps. We can only expect an approximate representation of reality from such a procedure, and all rational knowledge is therefore necessarily limited (Capra 1977, 15).

The subject of environmental politics encompasses world formation on two levels—that of the external physical world and the mental, conceptual models by which that world is endowed with meaning. For this reason, the natural science of ecology and related fields must be combined with elements of social science in order to address not only human decision making, but also human perception of environmental issues. While the relationship between the ‘natural’ and the ‘social’ are usually perceived to be separate and distinct spheres both are categories of human construction and meaning which have important implications for human social attitudes and thus decision making.

This chapter is about these mechanisms of social construction of ‘environmental’ meaning through subpolitics, specifically, environmental politics at the community scale. Through environmental ethics that ascribe values to the physical world and discourse which conceptually frames and constructs that world, humans construct and control ‘nature’ through structures of power. By use of ‘applied social ecology’, the social construction of nature can be made conscious and adaptive by increased democratization achieved by incorporating civil society, specifically ecological civil society, into the decision making processes of a community’s environmental politics. These processes will be discussed in detail as they were reflected in events surrounding the King William Reservoir Project in later chapters, but first they must be fore-grounded more generally.

Environmental Politics: Ethics & Discourse

The subject of the physical environment—and its remaining mysteries such as time, origin, and sub- and macro-mechanics—has historically been the clearest example of the limits of human understanding. The ongoing search for and advocacy of meaning in the face of the unknown has therefore generated religious and quasi-religious involvement in environmental ethics and policies. One example of this is the dispute over whether some non-human entities have an inherent value, or ‘moral standing’ of their own beyond its human ‘utilitarian’ importance. This issue is central to the levels of respect accorded to the needs of non-human life and ecosystems by humans, and historically these have varied considerably depending on the culture, religion, and environment.

Despite the role of intuition for some in environmental ethics, ‘rational’ ethics and models have become every bit as important. It has even engendered a whole sub-field of scholarly work (Van DeVeer et al. 1998). Ethics are important for analyzing and distinguishing the motives, values, and beliefs of various participants in a conflict. These ethics are the moral drivers of human action or inaction, and are therefore fundamental to general understanding in environmental politics. They provide the moral frameworks of meaning for people which can be more powerfully influential on their motivations and understanding than even survival instincts. As a result, ethics can act as a motivating force behind the scenes or as the very means of advocacy within environmental politics. Environmental ethics are fundamental to classifying disputes and stakeholders in environmental politics for this reason.

At the simplest level, environmental ethicists distinguish three broad philosophies: those that take anthropocentric, ecocentric, or biocentric foci. These three perspectives differ in that they perceive humans, ecosystems, or biotic individuals or species as their primary priority, respectively. While it could be argued that all human perspectives are inherently anthropocentric and differ only in the value placed on non-human entities by humans, there are still important differences in each ethic’s application. Ecocentrism privileges the status quo (or previous) function of an

ecological system. The important elements of this goal require that each ecological niche (or biological function) and physical resource be maintained in an ecosystem. This means that the removal of all or most of a habitat's water or predators would be unacceptable to an ecocentrist. Biocentrists emphasize a moral belief that all life, and by extension biodiversity, has moral standing. This means that for them it is unacceptable to eradicate a species or possibly even an individual life form as a result of human action or the indirect consequences of human action. The Endangered Species Act is an example of a biocentric perspective. Anthropocentrism is the more overt belief that non-human entities are at the total service of humanity. The only limits which are accepted for human activities are those which are 'scientifically proven' to be harmful to humans. Most people on an individual basis have an integrated ethic of their own involving elements of all three, or have used all three interchangeably throughout their lives. It is the level of priority each perspective is given in specific situations of conflict, however, that is most important for understanding environmental politics.

A second feature of environmental politics is environmental discourse, which are the mechanisms by which environmental politics is articulated and given meaning. Environmental discourse's most central element pertains to the concept(s) of 'nature.' Many scholars have discussed how meanings of the word and its application are constructed discursively. Or, in other words, this means that 'nature' does not have an inherent meaning but is instead given meaning through human thought and social mechanisms.

In the book *In the Nature of Things: Language, Politics, and the Environment*, Bennett et al. write that:

Nature is the other against which the human is defined, the raw to the culturally cooked. But nature is also the original, the given versus the made, and as such it provides the comfort of an existential foundation. Nature in contemporary environmental discourse, then, is not only the realm of beasts but also of God, of what lies beyond or behind the precarious web of semiotic constructions (1993, ix-x).

The political implications of who controls the definition of 'nature' are therefore extremely important for societies, as it is the mechanism for separating "the authentic from the synthetic" or the 'legitimate' from the 'illegitimate'. Bennett et al. see

‘rhetorics’, or “the ways language captures and constructs events,” where others have claimed ‘logic’ or ‘rationality’ (xii). The main point of this is that once these ideas are seen as human manufactured it becomes possible to reinvent or contest them. This struggle over the interpretation of ‘nature’ is therefore one of the most important features of political power and resistance and is key to analyzing environmental conflicts.

The environmental discourses, which articulate ‘nature’ as something outside of and in opposition to human impacts, submerge an important element of environmental politics. Briefly stated, the level of human technological and institutional impacts has led to a situation in which humans ‘control’ (meaning the power to alter) the entire biosphere. In that sense, ‘nature’ could no longer be outside or in opposition to the ‘human sphere’, because the ‘human sphere’ has expanded to annex the entire planet through the power and scope of its technologies. Even without this change in humanity’s potential and ongoing impacts, however, it has always been both a product and integral part of ‘nature’.

Environmental Politics and Power

The elements of environmental politics, namely discourse and ethics, are not constructed in social vacuums. There are direct influences on both which are more directly affiliated with power relations than simply logic or personal inclination. An examination of the relationship of power and environmental politics is important for understanding that discourse and ethics are simply methods of articulation which are usually employed in pursuit of politic goals rather than expanding human understanding.

It was Murray Bookchin and his conception of “social ecology” that initially placed humans back within nature as but one member species of our ecosystem habitats. For Bookchin, “social ecology provides more than a critique of the split between humanity and nature; it also poses the need to heal them. Indeed, it poses the need to radically transcend them” (Bookchin 1982, 22). Inherent in his writings is the belief that humanity, primarily through masculinity, has attempted to dominate ‘nature’ through and because of the same processes that sustained the domination of other humans. Social

ecology thus has important implications for environmental politics and politics of domination, generally.

Maarten Hajer (1995, 10) has written that there are two causes for concern within contemporary environmental politics, both of which concern power. They are the changing basis of legitimate decision making and the hidden link between science and politics. The problem, as he sees it, is that modern environmental politics require increasing trust in experts and political elites even as they are proven less effective by new controversies and indecision. Also, the presentation of environmental problems, “seriously confines the political debate on what needs to be done, by whom, and under what conditions” (11). Thus, environmental conflicts have in many ways become conflicts of interpretation. Power limits the scope of environmental politics through its constituent ethics and discourse by limiting whom can participate.

Hajer makes five points to underscore this perspective. First, environmental change is structural in character. There exists an interaction between resulting physical change and its source in human social practices and social sensibilities. In this fashion ecological problems are transformed into socio-ecological problems. This idea shares much with social ecology and its tenet that an environment is a product of the human culture that controls it.

Second, debates on environmental damage always question the social order in which it occurs. This acts to undermine the political leaders of that social order as well. Thus, if environmental harm is occurring it is directly linked to those in power, and undermines their legitimacy.

Thirdly, environmental debates reflect the contradictions of the social developments that generate them. This point is reflected in the paradox of modern society, which presents desires for both ‘pristine nature’ and economic ‘growth’. The result is a great deal of controversy depending on environmental ethics and interests.

The fourth point is that environmental politics is rarely discussed in its full complexity, but is instead dominated by specific emblems. The use of metaphor and symbol in environmental discourse works to simplify an issue, and often the resulting

struggles are focused on these symbols rather than the underlying factors that generated them.

And lastly, as environmental politics are discursively created, discursive strategies matter: “The discursive construction of reality thus becomes an important realm of power.” It is for this reason that Hajer argues that discursive strategies have to be understood in their specific social and cognitive context (1995, 17-21). It is because of this centrality of context that local scale analysis and environmental discourse and ethics are so important for environmental conflicts such as the proposed King William Reservoir, as they reflect what is at stake in each specific community, and the power relations that surround them.

Applied Social Ecology

A useful model for democratizing the power relationships inherent in environmental politics through localized environmental discourse and ethics, is ‘applied social ecology’. According to Preister and Kent, “applied social ecology seeks first to understand the relation between physical and social environments in an area, and then act upon that understanding to create adaptive change.” In order to better grasp the relationships between physical and social environments, they use ‘social ecosystems’, or culturally constructed geographic territories within which people live and work, as their unit of analysis. Within this unit, the goal is to achieve ‘productive harmony’ between social and physical ecosystems in which a partnership between the two could be achieved by developing permanence and diversity, both socially and ecologically. An essential part of this effort is the harnessing of localized cultural or ‘social resources’ to develop and maintain this ‘bio-social’ partnership (Preister et al. 1997, 29-31).

Preister and Kent, describe three processes in their model of ‘civic culture’. The first element called ‘cultural recovery’ (legal) describes the multilevel effort in law and politics to resolve *disruptive* issues. The second element, ‘cultural retention’ (regulatory), is incorporated by the resulting government regulations and agencies that work to administer *existing* issues. The third element of civic culture deals with *emerging* issues through ‘cultural attachment’ (civic culture) which features mechanisms

for a highly reactive yet process-oriented model for environmental politics. It is in this realm that an emerging issue assumes its meaning through social and political processes.

Preister and Kent define civic culture as the answer to the question “What can citizens do for themselves?” It encompasses informal local interests, leadership, problem solving, and responsibility in their own geographic contexts: “That is, you have people with whom you can discuss problems and mobilize local resources to resolve the issue. A civic culture is a true meshing of local interests and professional leadership if established leadership is attuned to local issues, indigenous methods of problem-solving, and can respond in a cultural context” (1997, 46). If such emerging issues are not addressed locally, they often fester until some new initiative pushes them to the fore in often dramatic fashion through a process called “issue loading.” In issue loading, collective and accumulated frustrations from many sources are vented in intense and dramatic ways over one particular issue. Preister and Kent suggest that civic culture can be used to avoid both regulatory expense and intense social disruption by building on the existing social and physical assets of an area (1997, 45-47). The idea of civil culture is closely related to the much older concept of ‘civil society’, however, which has always had a primary role in participatory government.

Civil Society

In his examination of social movements in India, Paul Routledge based his definition of civil society on the work of Gramsci. He writes:

Civil society refers to the other organizations that are neither part of the processes of material production in the economy nor part of the state-funded organizations but that are relatively long-lasting institutions supported and run by outside the other two major spheres. Such institutions include religious institutions, the media, voluntary organizations, educational institutions and trade unions (Routledge 1993, 29).

While this definition emphasizes the organized and institutional aspects of civil society, it can also refer to more informal forms. In a participatory democracy, civil society can refer to active citizens who communicate with political leaders, vote, and thus hold government accountable for its actions. This requires an educated and informed polity,

however, with responsibilities (at some level) for keeping the government functional. Democracy does not work if no one votes.

While this definition of civil society remains general, that is largely by design. Who is and is not civil society is perhaps less important than the functional role it can play in political processes. This is evident in the emergence of what some have called “new social movements” which Routledge (1995) describes as having distinct characteristics from previous, more class-based movements. These ‘new’ characteristics can include challenging the use of productive resources in an economy, remaining autonomous of political parties, and forming primarily around the social networks of everyday life: “For these movements, civil society represents ‘the domain of struggles, public places, and political processes. It comprises the social realm in which the creation of norms, identities, and social relations of domination and resistance are located’” (272-273). This illustrates just how much civil society exists and operates largely outside of traditional political processes.

As a result of this transience and flexibility, ‘civil society’ will remain a loosely defined concept. However, a more specified “ecological civil society” will be discussed in chapter 4, as it exists in the locality of King William County. This ecological civil society can reflect many of these ‘new’ characteristics, and be a part of this informal subpolitical space. In its efforts to educate itself and its community, it could enable each to become important contributors to environmental administration at various levels. As this thesis will explore in more specificity, U.S. environmental politics could greatly benefit from more open processes despite continued government resistance to such efforts at most levels. This resistance to inclusion or change in environmental processes has contributed to overall demands for greater democratization: “Indeed, many of the actors interpret their actions as attempts to renew a democratic political culture and to reintroduce the normative dimension of social action into political life” (Cohen 1985, 670).

As has been discussed, ‘nature’ is discursively defined and contested through human metaphors and language and constructed literally through human physical impacts on the physical environment. Through the lens of environmental discourse we

can begin to expose and examine these processes. The simplified products of these political/communication processes—the symbols, slogans, and signs—are imbued with significance or insignificance through larger human perceptions of environmental ethics and intuitive values. The role of ‘intuitive’ perspectives is an important one, and it figures prominently in local community attitudes and dynamics concerning environmental politics. Due to the intuitive character of some of these attitudes, however, it is very difficult to do more than focus on their effects or consequences for the purposes of this study. That said, at no point does this study perceive local struggles as “merely a clash of goals, a matter for ongoing waves of policy dispute and resolution” (Bennett et al. 1993, 15). Political fights are often just the stage on which more fundamental and personal perspectives are contested.

Struggles over ‘nature’ or ‘natural resources’ are, however, more than abstract ideological struggles as well. Since humans live in and among the physical environment(s) and have in large measure appropriated an enormous ability to alter it, real social and physical consequences are associated with these processes of ‘environmental politics’. Ideally, as every human has an impact on their environment, it is necessary that every human take responsibility for this impact individually to completely re-form environmental politics towards less socially and physically toxic results. Fortunately, the physical world has up till now shown enough resilience to accommodate collective and individual irresponsibility. But there is plenty of evidence that the biosphere does have its limits however. Since there have been no ubiquitous human behavioral adjustments away from destructive practices, change has only occurred gradually and at small scales.

As the Capra quote which began this chapter states, all rational knowledge is limited, and the best that can be hoped for is an approximate representation of reality. This is especially true with conceptions of ‘nature’ and other aspects of environmental discourse. As a result, environmental administration will continue to utilize the limited available knowledge available according to the environmental ethics at work. Of course this administration in the U.S. has habitually featured only dominant ethics of government and economics, and as such it has limited social empowerment in

environmental control. The various permit processes of the King William Reservoir Project reflect this power differential through the ethical and discursive conflicts, conducted within political and subpolitical spaces, to imbue a local physical environment with meaning and thus control its future.

Civil society, and more specifically ecological civil society in challenging there exclusion, has introduced resistant, alternative environmental discourses that question the dominant actors and assumptions that form the current “approximate representation of reality.” The current system has proven ineffective in controlling environmental decline and resolving resource disputes, as this case study will demonstrate in detail. A transformation of the environmental administrative process to accomplish these ends must embrace the growth in public involvement if the goal of “productive harmony” at the personal and global scales is ever to occur. Only by re-forming at every level the methods used to differentiate our limited rational knowledge can we hope to reconcile our environmental consequences with our needs and intentions.

Chapter 2:
The County and the City:
A Tale of Two Geographic Places

The features of the King William Reservoir dispute are strongly influenced by the geographies of the two primary jurisdictions—King William County and Newport News, Virginia—as well as that of the surrounding region. Aside from the physical geography of water resources, the distribution of area populations and associated economic and political concentrations have greatly affected the success the various sides of this dispute have had in moving their agenda forward. A very brief and focused description of the area, history, and character of the relevant localities follows in order to frame the reservoir project’s development, and to illustrate the political power disparities between the two communities.

These geographic profiles of physical and social characteristics are also important for understanding the differences between the two municipalities in their relations to their environments and their governments. The historical development of each municipality has influenced local relationships to the physical world. In addition to history, each community has its own resource needs, as well. While their individual populations contain a great many perspectives on how best to meet these needs, it can still be assumed that most of the residents live where they do because they are practically satisfied with its current character. In this chapter the traits of King William County and the City of Newport News will be examined in order to gain a better grasp of what the general way-of-life preferences are. These insights point towards the larger discrepancies that exist between the environmental discourses and ethics of these two areas that will be discussed in greater detail in subsequent chapters.

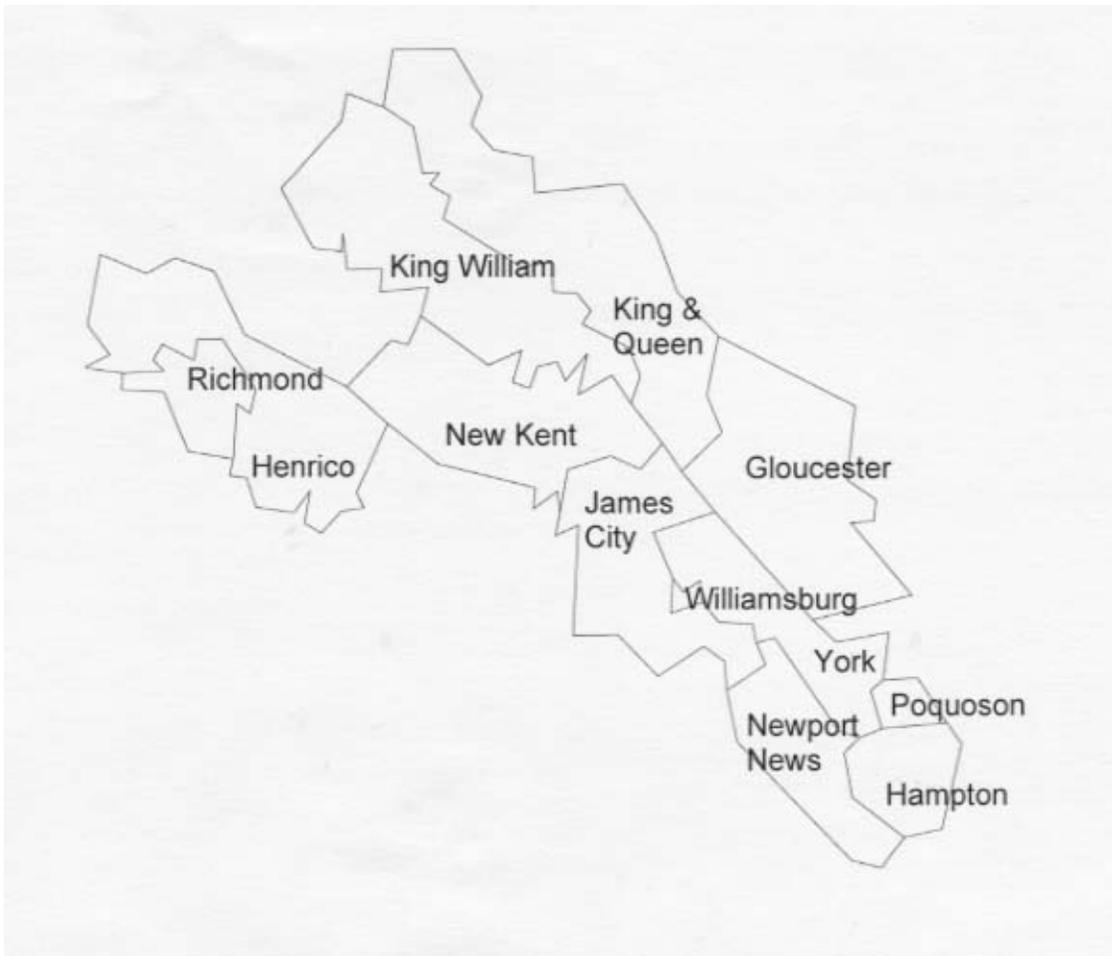


Fig. 2. 1: Map of Selected Eastern Virginia Counties and Cities

King William County

The jurisdiction of King William County lies about 30 miles northeast of Richmond, (Figure 2.1). The county is bordered between the Mattaponi River (see photograph) on the northern side and the Pamunkey on the southern as the two rivers run until combining to form the York River south of the town of West Point. This town represents the only major non-rural area within the county's boundaries. Over one third of the county's total land exists as farms (US Census Bureau), and mixed forest also represents significant acreage. The basic physical landscape of the county overall is a mix of cropland, forest, wetland, stream, and other riparian ecosystems. This broad range of extensive and diverse quality habitats has retained extensive biological diversity, as well, with many endangered plant and animal species represented. As a

result of this physical geography, local people are connected to vast stretches of undeveloped land and water, and they have close associations to both through recreation such as boating and hunting and economic activities such as fishing, logging, and agriculture.



Mattaponi River

As regards the human population characteristics, the US Census Bureau’s “USA Counties General Profile: 1996” lists the county’s 1995 population as 12,244 (Table 2.1). According to the 1990 Census, whites accounted for roughly 67% of the population, with African Americans at 30% and Native Americans at 2%. The 1990 Census also listed persons at the age of 25 or over at just over half the population with 68.5% high school graduates, and 13.0% college graduates. Furthermore, more than 68% of workers commuted outside the county to their jobs. The 1993 per capita personal income was \$19,272 (U.S. Census Bureau 1996). These figures reveal a small, but diverse populous in terms of ethnicity, age, and education that is largely dependent on outside economic activity for its income.

Table 2.1: King William County Demographics. Source: Virginia

Employment Commission (1996a)

| <u>Community Profile Fact Sheet</u> | |
|---|--------------|
| King William County | |
| 1995 Population Estimate | 12,400 |
| Percent Rural | 73.1 |
| Percent Nonwhite | 32.4 |
| Land Area (sq.mi.) | 275 |
| Population Density (per sq. mi.) | 45.0 |
| Median Age | 34 |
| Percent High School Graduate and Above | 68.5 |
| Median Household Income (1995) | \$41,286 |
| Median Family Income (1995) | \$47,366 |
| Percent Below Poverty | 9.3 |
| Total Housing Units | 4,193 |
| Median Monthly Rent | \$364 |
| Median Selected Monthly Owner Costs and Mortgage | \$653 |
| Total 1995 Unemployment Insurance Benefits Paid | \$244,942.00 |

Sources: U. S. Dept. of Commerce,
Bureau of the Census; Weldon Cooper Center for Public Service,
Virginia Employment Commission

In Figure 2.3, the population of King William County is projected to reach close to 13,000 people by 2000. As is also shown, however, the 1990 population was almost at 11,000 people, which means that the expected increase in population is just under 20 percent. In the face of this rate of growth the county's needs for infrastructure like water supply for new residents is becoming an increasingly important concern. In addition, new economic opportunities for providing services for these added people will also increase resource demands.

The fact that the county is 73 percent rural is also important for describing the social pressures that are emerging within King William. An influx of 20 percent more people in ten years is a dramatic change for longer residents as they adjust to new neighbors, added congestion, and cultural differences with newcomers. This increase in social change and associated tensions has also yielded political changes as well.

The county is administered by an elected five member Board of Supervisors, each representing a different district within the county, and an appointed county administrator.

Previously, the rural, low populated character of the county allowed people to largely ignore the uneventful and largely conservative politics, and this yielded political continuity as illustrated by only one change in the membership of the Board of Supervisors in the last decade. But the advent of the King William Reservoir Project has given citizens a reason to pay attention and to begin to fight for the type of county in which they want to live.

The history of the area is also extremely important for this issue, and in the case of King William it is very rich. A great portion of recorded history involved various clashes and cooperation between native cultures, and those of arriving settlers from Europe. Unfortunately, most of the previous history is dependent on archaeology. However, the archaeological record of Native American artifacts in King William, most from the Cohoke Creek basin--the site of the planned reservoir--date back over 10,000 years.

The impact of European expansion was felt almost immediately by the people of this area, the Algonquian-speaking tribes led by Chief Powhatan. John Smith's capture by these people in 1607 even took him into King William County for a time, at an important tribal center on the Pamunkey River called Menapacunt (Rountree 1990, 37). The legend of how Powhatan's daughter, Pocahontas, 'saved' Smith's life during his captivity remains a popular national story. Today, the Pamunkey and Mattaponi tribes of King William County maintain two of the oldest reservations in the country, and along with the Upper Mattaponi tribe (who do not have a reservation) they trace their ancestry to the Powhatan tribes. While much of their culture has been lost, distinct environmental ethics still remain centrally important to their current identities.

King William County takes its name from the British monarch King William III, who first gained and then had to defend his crown as a result of the Catholic and Protestant wars raging in Europe. William spent most of his life fighting the French, and it was his war with the deposed James II continues to be a source of enmity in Northern Ireland. Despite its origins in religious intolerance and conflict, his rule marked an important step in the development of the constitutional monarchy and the development of the idea that people should be allowed to choose their own rulers.

Other notable events in a similar vein include Bacon's Rebellion and the Battle of Yorktown. Bacon's Rebellion was one of the first instances of colonial rejection of appointed representatives of royal power, and though it too was begun in order to wage a war of intolerance and brutality (this time against native tribes, especially the Pamunkey) it too marked an important development in the fight for additional self-determination. The Battle of Yorktown was fought just down river from King William County, and it secured America's independence from the British, which permitted its unprecedented democratic innovations. These formative traditions of self-determination were of course continued during the Civil War with Virginia's defense of "states' rights" (again violently), and these principles continue to figure largely in local identity and perspectives. Thus an ethic of local political autonomy is a very old and very central one in this area.

It is the water from the two rivers, however, that has centered much of the less violent historical activity of the area. King William County was formed in 1702 simply to alleviate the difficulty of crossing the Mattaponi River to get to the previous courthouse in King and Queen County. As a result, both counties have shared this river as their border for nearly 300 years. This geographical sharing of the Mattaponi River by the two counties is of key significance to some of the inter-jurisdictional disputes over this river's central role in the proposed reservoir project.

An Urban Locality: The City of Newport News

The City of Newport News by contrast exists within very different geographies. Located about 60 miles south of King William, its population of 180,000 (see Table 2.2) is 14.5 times larger than King William's, and is entirely urban. The associated economic and political power of this municipality thus dwarfs King William, as do its demands for water. The exact numerical quantities of the water needs, or required water supply, versus water 'demands', or desired water supply, of the city and associated municipalities remain contentious (see Chapter 6). However, it is safe to say that water supply is one of the primary concerns the city council, city manager, mayor, and other leaders, as future growth is perceived to be dependent on additional water resources.

Table 2.2: Newport News City Demographics. Source: Virginia

Employment Commission (1996b).

Community Profile Fact Sheet

Newport News City

| | |
|---|----------------|
| 1995 Population Estimate | 180,000 |
| Percent Rural | |
| Percent Nonwhite | 37.3 |
| Land Area (sq.mi.) | 68 |
| Population Density (per sq. mi.) | 2,635.4 |
| Median Age | 30 |
| Percent High School Graduate and Above | 79.3 |
| Median Household Income (1995) | \$33,207 |
| Median Family Income (1995) | \$37,693 |
| Percent Below Poverty | 14.0 |
| Total Housing Units | 69,728 |
| Median Monthly Rent | \$439 |
| Median Selected Monthly Owner Costs and Mortgage | \$789 |
| Total 1995 Unemployment Insurance Benefits Paid | \$5,119,270.00 |

Sources: U. S. Dept. of Commerce,
Bureau of the Census; Weldon Cooper Center for Public Service,
Virginia Employment Commission

To illustrate this, Figure 2.4 exposes that the population increase for Newport News between 1990 and 2000 is expected to be roughly equivalent to King William County's entire population at the end of the same period. While the ethical questions of such growth are questionable, the vast social disparities and distance between these two areas lends itself to familiar metaphors of rural/urban and big/small.

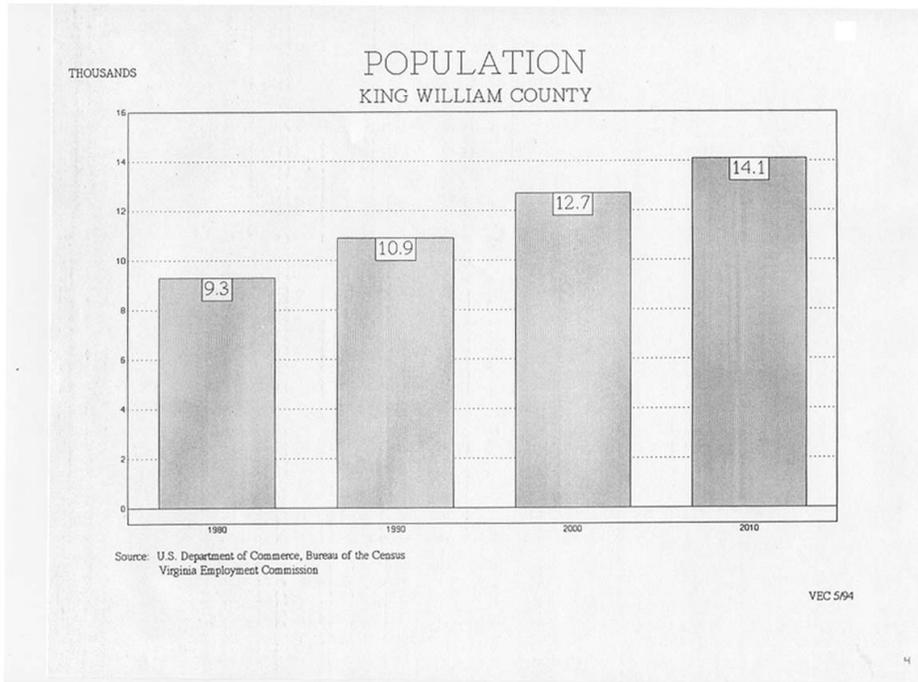


Fig. 2.3: King William County Demographics. Source: Virginia Employment Commission (1996a).

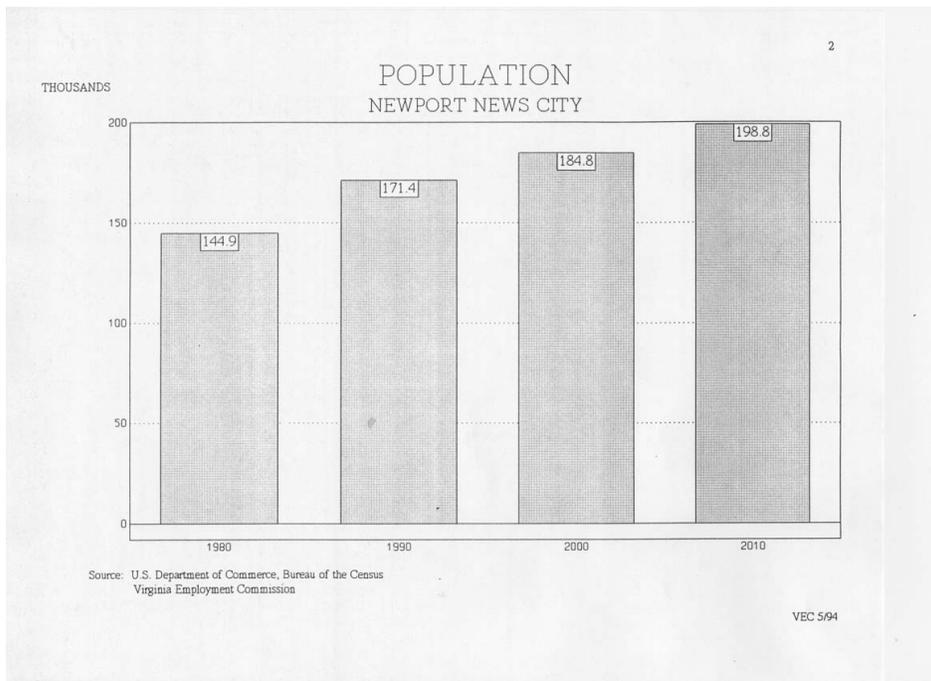


Fig. 2.4: Newport News Population Projections. Source: Virginia Employment Commission (1996b).

Newport News' economic success has always been tied to the utilization of its own central water resource, its access to the natural harbor of Hampton Roads. The city was named after Captain Christopher Newport who led colonists to Jamestown in 1607. This maritime tradition continued as Newport News evolved from a small fishing town into an important shipping port and ship building center following the late 19th Century introduction of railroad lines. Today, the city remains one of the most important export and import harbors for oil and coal, and other resources.

This emphasis on economic activity and the perceived need for services and infrastructure to support it has engendered an ethic of growth. For cities, economic growth is equated with a strong tax base to support additional services that are perceived to be beneficial to city residents. According to this logic, the more the city grows, the better life will be for people. By contrast, according to this line, if economic growth isn't expanding in the city than it must be declining--eventually resulting in collapse as businesses follow their clients elsewhere, and tax revenues and services disappear. This need for perpetual growth thus creates demands for more and more resources—especially water—to support growing populations and activities.

Newport News' experiences of economic activity and growth are integral to this conflict and they mirror the urban/rural differences in land use decisions. The urban transformation of local environments into intensively utilized and transformed landscapes results from and is representative of anthropocentrism, as management priorities and planning are focused on human populations to the figurative and literal exclusion of non-human species. The rural character of King William, by contrast, retains a great deal of biotic diversity which some residents have come to value and incorporate into their ideas about the county's identity, in addition to recognizing complementary economic opportunities presented by these attributes.

It is in this setting that a proposed reservoir project has resulted in political struggle, and garnered attention beyond Eastern Virginia. While King William residents have been allowed to keep to themselves for a very long time, they find themselves in the middle of a "regional" water "solution" that attempts to integrate them into larger political processes and ethics of growth. But, as this thesis will illustrate, the process of

political change and reaction to the reservoir has become a rallying point for local political activism as it relates to growth, development, and the ecological identity of their community. Indeed, the relationship between the environmental politics of the King William Reservoir project, and more general county politics has become more and more connected as things have progressed. From the beginning of this issue, however, local political responses to the reservoir proposal existed only at official government levels, as is discussed in the next chapter.

Chapter 3:
Urban Water Needs:
Genesis of a Reservoir

When a jurisdiction begins a process to meet its internal demands from outside sources there are certain rules, restrictions, and government institutions, which administer the process. It is therefore imperative for the jurisdiction's leaders to generate cooperation with all involved to make this process as quick and inexpensive as possible. All too often, however, municipalities only cooperate when it suits their narrowly defined interests, preferring instead to force their way through the legal and political processes imposed on them. This self-reliance eliminates the need for trust or dependence that might act to limit a municipality's future options. In addition, imperfections in the permit processes and governing institutions also compound the problem through occasionally expensive, arbitrary, and often-ineffective participation.

In addition to political exclusion, permit processes construct a legalistic discourse of nature as a form of infrastructure. Phrases like 'water rights' reveal subtle discursive transformations that build a 'resource' out of a river. For a 'utility' company this shift is almost a reflex, as its purpose is to understand the environment with utilitarian terms and strategies. In this vein, the biological need for water illustrates humanity's most basic links to their physical world, but 'ownership' abstractions have now re-formed and commodified this physical world into property. This is reflected by the pursuance of legal contracts and access rights for resources. The shaky ground on which this model rests are simply 'claims' in both senses of the word. Colonization saw the English make these two claims in Virginia, the land 'claim' (this is mine) and the claim of its legitimacy (this is legal), and both 'claims' are acts of power. The jurisdictions involved in this project (as well as most of the globe) are the heirs of this heritage, as is this project proposal.

This chapter is an initial examination of how power (vis-a-vis politics) appropriated 'rights' to a river/resource in King William County away from local citizens. While the jurisdictions and governing institutions involved have pushed the

levels of cooperation, research, and stakeholder involvement beyond most previous U.S. levels, they have not succeeded in avoiding intense and continued controversy. This chapter argues that this has largely been a result of the absence of one key element in the permit process—the political inclusion of the ordinary citizens and their ethical conceptions of and discursive relationships to the river. In human terms, it is they who must live with the environmental consequences of this project. While public ‘involvement’ and ‘participation’ was sought early on with this project, at no point were citizens allowed to make decisions, negotiate, or assume a directly empowered role of any sort within the process. With political exclusion, the ability of citizens to contest the dominant ethics of growth, scientific authority, and bureaucratic control (all of which presume the necessity of a water project) were also initially limited (as will be discussed in detail in Chapters 5 & 6). It is because of this exclusion that the proposed King William Reservoir, like so many similar projects, has been bogged down in controversy generated by its own political and discursive exclusivity.

Newport News Waterworks

In the late seventies and eighties the city of Virginia Beach, Virginia developed and built the Lake Gaston pipeline. In order to do so, however, the municipality was enmeshed in decades of political and legal battles with North Carolina and other municipalities. Due to its geographic proximity, Newport News, Virginia, which was also faced with its own emerging water needs resulting from continued growth, was in a good position to learn from Virginia Beach’s mistakes.

Newport News thus involved legal staff earlier in the process to document everything and to guide the city through the complex regulations involved in developing water supply infrastructure. In order to avoid the problem of interjurisdictional conflict resulting from changes in Virginia jurisdictional powers during the seventies, Newport News began to look for a willing partner for its own reservoir plans through its water utility department, Newport News Waterworks (NNWW). The Lake Gaston experience highlighted the need for a ‘regional solution’. The Environmental Protection Agency vetoed nearby James City’s proposed Ware Creek Reservoir because of environmental

impacts and because it would not have met the entire region's water supply needs. This development was the impetus behind the formation of the Regional Raw Water Study Group (Morris interview 10/21/98).

According to the King William Reservoir Project homepage, in 1987 the Regional Raw Water Study Group (RRWSG) was formed on behalf of local jurisdictions near the Lower Peninsula of the Chesapeake Bay (Regional Raw Water Study Group 1997). This study group was composed of administrators and officials from each of the cities, and therefore reflected and privileged the political goals of sustained growth and resources as well as the technical solutions of additional infrastructure of its constituent members. While Newport News was the foremost leader of the group and its driving force, it originally included the jurisdictions of the cities of Williamsburg and Hampton and the counties of York, James City, New Kent, and King William.

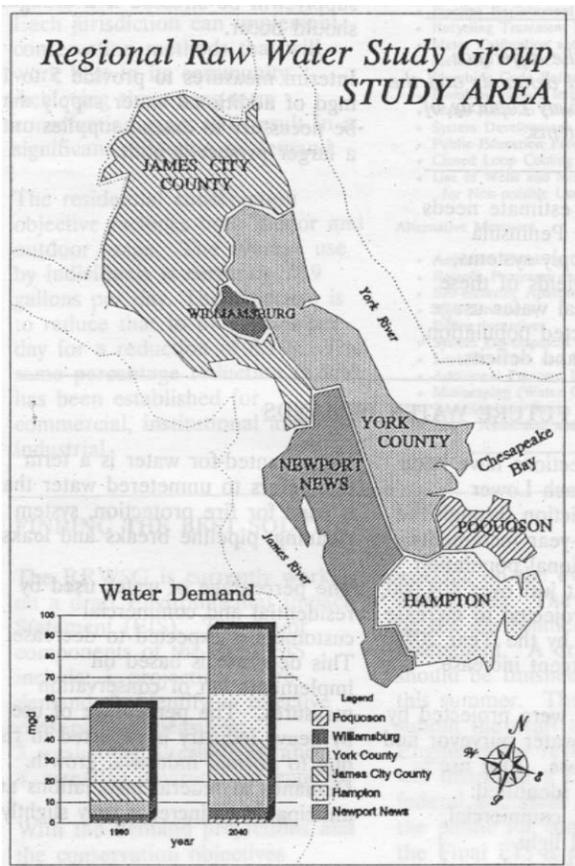


Fig. 3.1: Map of RRWSG. Source: RRWSG (1992).

While other options besides a reservoir such as desalination were considered by NNWW, such plans were rejected as too expensive (Latane 12/8/96). The reservoir project director for NNWW, David Morris, also points to Newport News's lack of a true oceanic shoreline and the difficulty and expense of disposing of the generated salt as other factors which led to the dismissal of this alternative (Morris interview 10/21/98).

Thus, in 1989, Newport News after examining its various options approached King William County with its reservoir proposal. This proposal was for the construction of a dam and reservoir in the Cohoke Creek basin, a depression in the central southern portion of the county midway between the Mattaponi and Pamunkey Indian Reservations (Figure 3.2). The water that would be stored in this reservoir is to come from a 1.5-mile pipeline which would draw water from the Mattaponi River to the north. Newport News Waterworks would then pipe the water another 11.7 miles, then move it under the Pamunkey River (and out of King William County), and then pipe it another 0.8 miles to Beaverdam Creek and the existing Diascund Creek Reservoir which is already a part of their water supply network (see Figure 3.3). NNWW maintained that the 130 million-dollar project, if completed in 2005, would provide an adequate water supply to the region through 2040 (Stradling 1997, Jul. 29).

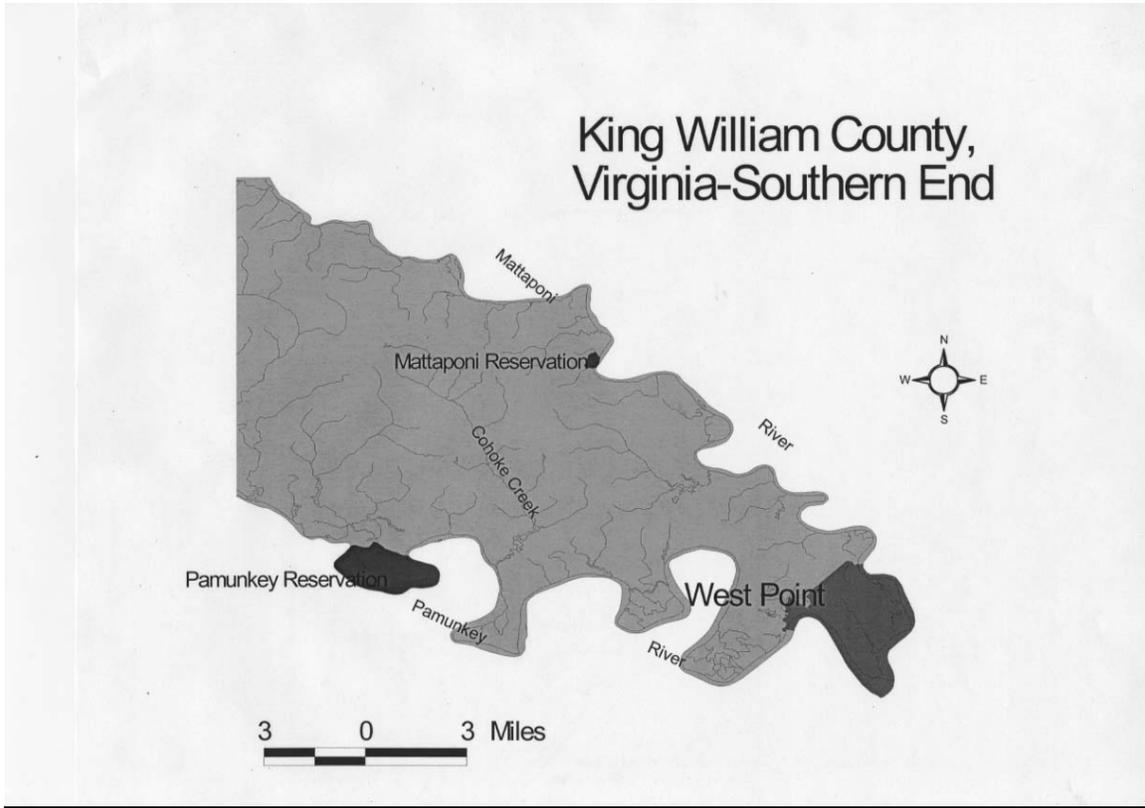


Fig. 3.2: Area map of proposed Cohoke Creek Reservoir

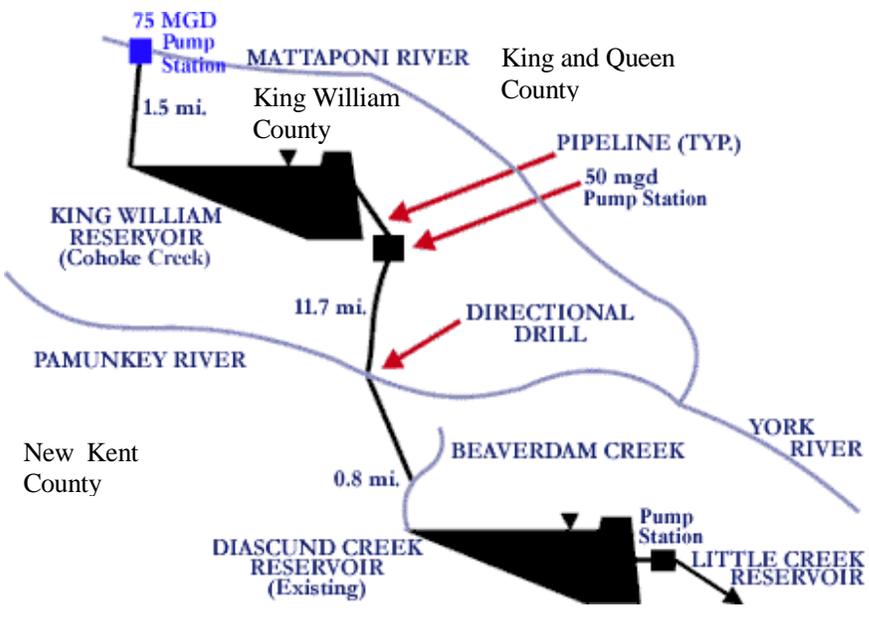


Fig. 3.3: Proposed Project Design. Source: RRWSG (1997b).

However, the RRWSG, through NNWW, wished only to pursue the project if King William County's government agreed (Whitlow interview 7/13/98). On May 23,

1989 both parties signed a “Memorandum of Understanding” concerning the exploration of the KWR idea. Over time, the two parties further negotiated agreements while more intensive studies were conducted.

The U.S. Army Corps of Engineers (ACE) sent out a “Notice for Public Comments” on August 1, 1990, in order to begin the ‘scoping’ stage of the policy process. Scoping is the first step in the approval process, and it is ideally used to identify stakeholders, fundamental issues, and needs for conflict resolution and data and analysis. A “King William Reservoir Project Development Agreement” signed in November 1990 further defined problems, ownership, responsibilities, bailout procedures, property acquisition, etc. between the two primary jurisdictions. However, the signing of the agreement before any completed studies indicates that decisions were made previous to the detailed understanding of environmental concerns and thorough exploration of plausible alternatives which is the primary purpose of Environmental Impact Statements (EIS) as required by the National Environmental Policy Act of 1969 (NEPA). Thus in many ways, NNWW had effectively co-opted the EIS process almost before it had begun. That had politically outflanked the bureaucratic process. The decisions were made and the goals set, but the process was only beginning (see Chapters 5 & 6).

Additionally, according to County Administrator David Whitlow, public participation remained very low, despite open meetings and press releases, through this formative period and for about five years afterward (Whitlow interview 7/13/98). While acknowledging that local media coverage is poor (only two local papers, a weekly and a bi-weekly), especially in the specific proposed reservoir area, Whitlow charges that people just would not get involved. He stated that in one instance 150 invitations were sent out for a press conference, and only 15 people showed up.



Cohoke Creek Basin: proposed site of reservoir.

The exact reason for this initial public silence, in light of later developments, is unclear. One reporter that covered these meetings attributes public indifference to the widespread belief that the project would not go through. Whether they believed the KW Board of Supervisors or federal regulators would be the ones to stop the project, public involvement did not emerge until it became apparent the project was ‘really happening.’ The reporter described locals as initially “shocked” by this realization (Clark interview 10/23/98).

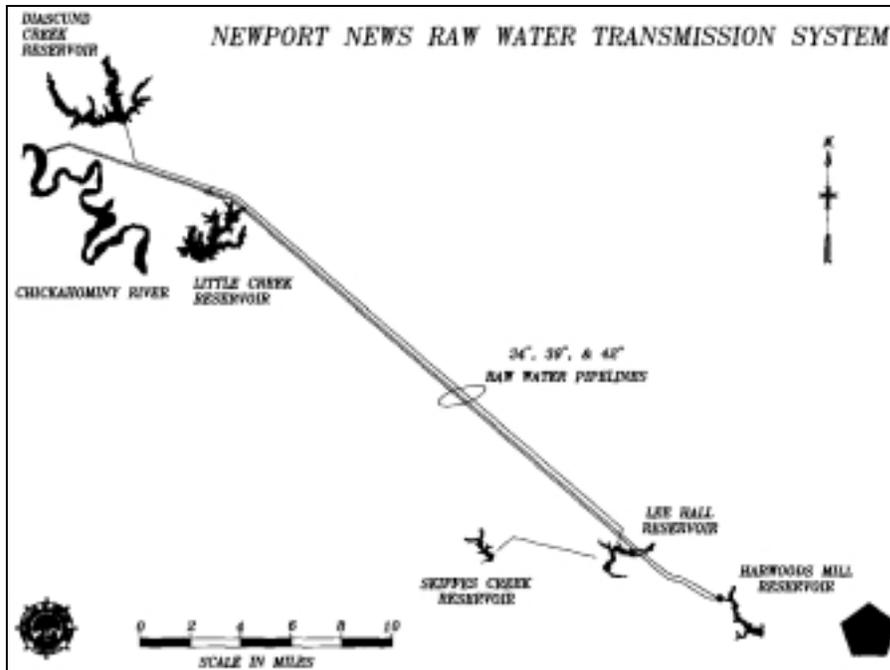


Fig. 3.4: NNWW current infrastructure. Source: NNWW 1997.

Despite the newspaper coverage (which meant very little to the people living in the specific proposed reservoir zone), many landowners knew nothing of the project until land surveyors showed up on their property. Of the people who did read about it, whether they assumed the project would not go through or were ignoring the project altogether, clearly they had a great deal of trust in the King William Board of Supervisors (BOS). If people believe that their leaders will vote as they would themselves vote, they might not concern themselves with closely scrutinizing a ‘bad’ project that will only be defeated in due course. But that is not what happened.

According to Supervisor Townsend, he looked at the reservoir as a source of revenue, one of the primary concerns for the Board, and as a source of water to meet the needs of future growth. Neighboring counties were using landfills to raise revenue, and NN had a study done that showed that the reservoir would not be environmentally detrimental. King William then hired their own consultant to review that study, and he agreed with its findings. Newport News reimbursed KW the \$75,000 they had spent on consulting fees, and the two jurisdictions became partners on the reservoir project (Townsend interview 10/4/98). This illustrates ethics of growth and financial concerns

within King William, too, were the local reasons for support for the proposed project. With local participation low, there were no politically active opposing voices.

In July 1993, the other remaining members of the RRWSG endorsed the King William Reservoir as the favorite alternative (though by this time it included only part of the 11 members), and a “Joint Permit Application” on behalf of the project was filed with the Virginia Resources Commission. Two weeks later, the very first public workshop was held in King William.

This first meeting was an open presentation with a circulation area provided where information on various topics was arranged. Later meetings would usually feature an overview of the project and would then focus on taking public comments (Corps of Engineers, Virginia Department of Environmental Quality), and answering public questions (NNWW). In all, there were five public meetings in King William County (not counting meetings with various stakeholder groups), whereas there is usually only one for most similar projects (Morris interview 10/21/98).

While NNWW, ACE, and the Virginia Department of Environmental Quality (DEQ) have been very thorough in providing for public ‘involvement’, at no point were provisions made for citizens to participate in decision-making directly. Involvement in this case means voicing concerns and asking questions, not participating in direct planning and design. The copious variables of this project were never turned over to citizens or even King and Queen County officials—who share the Mattaponi River with King William—for negotiation or cooperative planning despite their very strong stake in the project’s impacts and consequences. Thus, in the early stages (when such input would have been meaningful), citizens could only ask the government agencies and NNWW what was going to happen because they were never themselves asked what they would like to see happen, nor did they have the political means to do anything about it.

Newport News was not even remotely required by law to allow citizens an engaged role. As we shall see, however, from a political standpoint it might very well have been in the best interests of all involved if they had. Rather than cooperatively developing a project that the RRWSG and local citizens could live with, the officials of Newport News have simply adjusted its project design for KW, federal, and state

officials (see Timeline), and even then only under extreme pressure. Politically, locals were perceived to be peripheral.

The perception of NNWW's methods as heavy-handed by many people in communities around the Pamunkey and Mattaponi rivers has left them feeling angry and politically impotent. Throughout this process the focus of project advocates has been addressing the concerns and requirements of various government officials, and not on those of the politically marginal citizens most directly impacted by the proposed project. Various attempts to inform citizens through workshops were perceived as "sell-jobs," rather than honest attempts at citizen inclusion. To many King William residents it seemed as though NNWW wanted their approval, not their input.

Some citizens have felt sold out by KW county officials, the Virginia General Assembly, the State Water Control Board, the DEQ, and many other government institutions. The contradictions between RRWSG perceptions of the project as water resource infrastructure were fractured by KW citizen perceptions of the same 'resources' as 'their' river, a non-legal conception of 'home'. Public trust, which figured so prominently in initial general indifference to the project among the local communities, has been replaced by hostility and activism that have promoted emergent subpolitical and ethical spaces in King William County. While public involvement in KWRP planning and negotiation may not have even been possible in the early stages due to public indifference, this state of affairs has changed considerably. As the next chapter demonstrates, anger at political exclusion, the opposition to ethics of growth, and the commodification of their environment has transformed the environmental politics of the proposed KWR.

Chapter 4:
Rural Reactions:
Genesis of Resistance

In the face of this developing project, community interest had ranged from imperceptible to engaged participation. Limited media coverage contributed to wide-ranging ignorance as the project moved from proposal to contract negotiations. But eventually, environmental and other social groups appeared on the scene and asserted themselves in a variety of ways. The road to organized opposition to the reservoir project would take many years and various routes, however, as the reservoir planning process proceeded. An examination of the formation and development of these social movements in relation to the reservoir will expose how the KWRP has increased democratic participation throughout the county. This is especially true in regards to environmental matters, as an ‘ecological civil society’ has developed to take a greater share in public discourse concerning environmental politics in their community.

Environmental Bureaucracies and Ecological Civil Society

While today, politics, religion, and economics all have extensive local pools of non-statist expertise called ‘civil society’, ecological decision-making remains an ‘expert’ policy realm. Since the sixties, public involvement in environmental processes has been marked by ideological questioning of economic and technological conventions, but has rarely featured serious scientific debate. This was largely a result of a lack of scientific knowledge on ecological matters in general, but especially among most of the public. In recent years, however, ecology has made great advances, and environmentalists integrate this ‘science’ within their activities with increasing skill.

In environmental politics, national environmental groups have filled a civic role for over a century, but more locally focused groups have usually been more rare and short-lived. The complex, limited, and specialized features of environmental issues have been the major difficulty in democratizing environmental administration in the U.S because the citizenry was perceived to be unqualified to manage public lands effectively,

or even to elect their own management officials. Furthermore, the large number of federal bureaucracies that are responsible for environmental “management” in the United States results in further complexity in administration processes as is evident from the three primary federal actors in the KWRP; the Environmental Protection Agency, the Fish and Wildlife Service (Department of Interior), and the Army Corps of Engineers (Department of Defense) are each within three different cabinet level departments.

Thus, what has emerged is a very powerful system of bureaucracies made up of appointed officials and professional employees, with the public placed in an advisory role at most (and only recently). National or regional environmental groups have had the expertise and political weight to make use of this role in the past, but locals were usually too inexperienced or disorganized to do so. Therefore, with no role for local input, environmental administration has long been one of the most undemocratic sets of processes conducted by the U.S. government (Paehlke et al 1990).

In this chapter it is argued that the contemporary expansion of ecological expertise into local public spheres marks the emergence of an ‘ecological civil society’. This is illustrated by the recent dramatic and rapid expansion of local grassroots environmental groups in primarily rural areas. In the face of various perceived environmental threats, whether they are a new hog farm, reservoir, high-capacity chip mill, landfill, incinerator, asphalt factory, or a similar project with some measure of environmental risk, many communities have seen the development of their first environmental advocacy group. In some cases, even several of these groups have emerged, as people have perceived physical threats to personal perceptions of local environments. In order to challenge the ethical and discursive underpinnings of the actions or inactions of local governments or businesses, they have sought to rectify local politics with their various ethical visions of the future of their communities.

The topics and focus of these localities has varied all over the country, but they all share some basic challenges to government agencies and businesses on scientific and management institutions. Many scholars have shared in these endeavors, and research topics such as environmental justice (Bullard 1993) have questioned the distribution of environmental hazards and consequences among ethnic and income groups. Risk

management (Beck 1992) also questions the distribution, as well as the generation, of these dangerous side effects of industrial capitalist economies. Environmental ethics (Van DeVeer et al 1998) questions the moral arguments and logic of anthropocentrism while suggesting alternatives. And, most centrally, studies of the politics of science policy (Jasanoff 1990) have illustrated how subjectives and political power can influence bureaucratic decision-making. The growth of environmental social issues, locally and academically, indicates not only a growing social concern, but also an expansion of knowledge bases for policy processes and ecology, ethics and power. The result has been a destabilization of environmental administration, authority, power, and expertise and an emerging opening up of processes to all stakeholders. Currently, however, all real power remains in the hands of government administrators, as there are few official mechanisms for public input and control, as the KWRP process illustrates (see Chapter 5 & 6). This means that currently public participation and contestation must occur at the subpolitical level—in newspapers, neighborhoods, public demonstrations, and increasingly in web pages—as local citizen participation is marginalized by government environmental processes to mere comments.

There are many that see this situation as ripe for change, however. Politics is being transformed in the United States such that it is incredibly reactive to ‘public opinion’ as assessed through the interpretation of polls and elections. As a result, the collective power of personal choices made by each citizen singularly is increasingly politically significant. As Beck (1998) writes: “The opportunities and burdens of defining and mastering the situation thus shift to individuals, even though they may be incapable of making the inevitable decisions soundly and responsibly in the light of the interests, morality and consequences at stake, because of the high complexity of the social context” (33).

With these changes, and because of this complexity, it is important that political institutions be remodeled to adjust to these new conditions. As a result local expertise on and control of environmental political issues should be fostered to reduce complexity and improve political responsiveness: “In the social dimension, something similar could be achieved by the expansion of basic rights, employment security or local autonomy and

veto rights. This not only reduces the social unpredictability of centralist administration and management decisions, it also constructs self-responsibility” (Beck 1998, 167).

The twin principles of local empowerment and local expertise presuppose and support one another. An ecological civil society must be allowed a role in environmental administration in order to develop practical skills, knowledge, and abilities such that its people can act as the democratic leadership for their communities and make those communities work effectively. These developments represent a shift in how social and ecological communities are organized and operate, however, and resistance to the changes is strong. Changes are continuing despite this, however, as is illustrated by events in King William County surrounding the proposed reservoir.

The Evolution of Ecological Civil Society and the KWRP

In 1990, in light of Newport News’s planning activities, there was a recognition by several regional environmental groups that the York watershed was in need of increased environmental activist attention, and that they would all be best served by assimilating their mutual concerns with local landowners. As a result, the Nature Conservancy, the Virginia Institute of Marine Science (VIMS), the Alliance for the Chesapeake Bay, and the Chesapeake Bay Foundation, co-sponsored meetings with interested local landowners to initiate what would become the Mattaponi and Pamunkey Rivers Association (MPRA). Billy Mills, who was then with the Chesapeake Bay Foundation, left that organization to serve as director of the new organization, a position he still holds (Mills interview 7/13/98). After many months of development and issue scoping, the group was officially incorporated in January 1992.

The mission statement of the MPRA states that it is an organization “dedicated to the history, ecology, scenic landscape, recreation, and economy of the Mattaponi and Pamunkey rivers.” The basic activities of the organization include educational meetings and workshops, water quality monitoring, river clean-ups and special events, conservation projects, and ongoing management programs and issues, including the King William Reservoir. The group’s membership was around 300 in early 1998, and is

drawn from citizens living throughout the watershed (Mattaponi and Pamunkey Rivers Association 1998). It is funded from membership dues and private donations.

The MPRA's activities in the political arena were originally rather limited however:

The decision to withhold MPRA's voice during the organization's formative period was made for the express purpose of permitting MPRA leaders and members to educate themselves on natural resource issues before 'speaking out', and then only in consensus. Accordingly, 1991 to 1996 was a period of intense self-education for MPRA leaders and members, and over a broad range of issues, topics, and controversies (Mattaponi and Pamunkey Rivers Association 1998).

That said, the MPRA had an involvement with the KWRP from very early in the process. The organization hosted a public workshop in 1991, and a second in 1992. Additionally, they reviewed and commented on the Draft EIS of 1994 and the Supplemental Draft EIS in 1996. The MPRA webpage states that the group's perceived responsibility towards the project was in "asking hard questions, demanding complete answers, offering suggestions and recommendations to the applicant [Newport News], and sharing what we have learned with those who are interested." But the group's policy of "proactive" engagement angered some members who thought the reservoir should be stopped outright, and immediately. A group vote on the matter in March 1997, led to the MPRA's formal opposition to the project.

By the time the MPRA took this final opposing position, however, the delay in opposition left many people feeling that the MPRA should have fought the project much earlier. The conventional wisdom was that the KWR was a "done deal." The Alliance to Save the Mattaponi (ASM) was formed, in the summer of 1996, in the belief that the project was not a done deal, and that public resistance could still stop it. Attending the initial meeting, organized by a small group of unaffiliated local citizens, were other King William citizens, a Sierra Club representative, and others that wanted to see this project opposed outright and in an organized fashion. Today, the ASM is now loosely affiliated with the Sierra Club who administers their finances, raised through donations and dues, by way of a special fund. Thus, this group too has wider geographical and political ties. With the formation of the ASM opposition took on a new imperative and direction as

they expanded public attention and alarm at the potential problems of the project (Chappell interview 7/15/98).

Today, both the MPRA and the ASM continue to actively oppose the project, including cooperating on a pending lawsuit in conjunction with King and Queen County, the Southern Environmental Law Center, the Chesapeake Bay Foundation, the Sierra Club, and several individual citizens. However, there remain some differences in group philosophies. The MPRA has advocated managed, and environmentally responsible growth while the ASM is more focused on maintaining the rural, status quo of the county, as well as local autonomy of county resources.

This division is also reflective of the increased democratization that has resulted from the KWRP. Environmental ethics can be as varied as any other political concerns, and the fact that there are two distinct voices for one locality could be interpreted to mean that these movements are at least partially responsive to important ethical differences in their community. While there are many in King William who feel that this division weakens the overall effort to stop the project, it could also be said that the coalition of opposition between these and other groups illustrates the number of community perspectives and stakeholders which are unified in wishing to stop the reservoir. The active participation of the other community groups is yet another example of how the KWRP has increased the involvement of local citizens in local politics in general, and environmental politics specifically.

Native American Resistance

Perhaps one of the most obvious examples of the trend towards participation has been the role of the Native American tribes of King William during the process. There are three tribes in the county, the Mattaponi, the Pamunkey, and the Upper Mattaponi. The Mattaponi and Pamunkey tribes, but not the Upper Mattaponi, are the only tribes in Virginia with treaties and reservations still intact after centuries of encroachment. On an ethical level, their opposition has profound implications for the whole concept of environmental authority on this matter, or legitimate political authority as well.

The story of colonial settlement and appropriation of the Tidewater region is one of the uglier ones in American history. Following the initial Jamestown settlement, successive immigration from England put greater and greater land pressures on the disease-reduced Powhatan tribes. Over a century of murder and criminal appropriation of additional territories nearly eradicated Powhatans entirely. Following the colonial genocide, continued land pressures and loaded race relations in Virginia both before and after the Civil War offered constant threats to these reservations and the tribes that lived on them. This remarkable example of identity survival is a testament to Pamunkey and Mattaponi efforts for nearly four hundred years (Rountree 1990). For both tribes, but especially the Mattaponi, the KWRP represents yet another threat to both tribal territory and their way of life.

The bulk of native opposition centers on three issues. First, the environmental impacts to wetlands as well as the Mattaponi River's salinity levels could cause serious ecological damage. In addition, the proposed reservoir site, the Cohoke basin, contains archeological sites over 20,000 years old which are central historical assets to all three tribes. And finally, the Mattaponi tribe has maintained that portions of the reservoir project infringes on a 1677 treaty that created a 3 mile buffer zone around their reservation within which development could not occur. They are concerned that development of this area will halt planned reservation expansions (see Chapter 6).

As a result of the cultural sites, the Pamunkey and Mattaponi found themselves drawn into the issue from very early on, and their resistance has found a greater degree of press coverage than the other resistance groups. This is due in large part to its historical connections which change the emotional and political landscape of the KWRP in very powerful ways. This press coverage has included not only the *Richmond-Times Dispatch*, but the *Washington Post* as well. Aside from raising the profile of this project, however, the tribes have done much to question and expand the ethical and discursive debates surrounding the project. For the Mattaponi, which are most directly affected by the reservoir, the project is seen as a threat to their existence as a people. As Assistant Chief Carl Custalow stated in regards to NN efforts to reimburse KW tribes for losses from the project: "Newport News 'has never tried to understand us, our feelings and our

culture. The way we perceive that river and those artifacts, they could never understand. We protect Mother Earth because we've always known if we give back, it will take care of us, whereas all Newport News sees in the river is money.'" By contrast, a Newport News official admitted in the same article that: "This is a dominant culture trying to figure out what the issues are with a traditional culture, and the traditional culture doesn't want everybody to know their business" (Latane 3/7/99). The subpolitical exchange of dominant and alternative environmental discourses has not conveyed mutual understanding.

Arguably, tribal and NN environmental ethics remain too disparate. NN conceives of the river and Cohoke valley as form of property that can be bought, sold, or, at the very least, compensated. Native Americans, or at least the Mattaponi see the connection to nature not as one of ownership but of dependence and reciprocity. The constructions of what 'nature' is, commodity or 'Mother', limits the approaches each of these parties have applied to this conflict.

The Native American struggle for local autonomy and freedom to continue traditional economies finds a parallel with the common cause made by their white neighbors against the project. The tribes of King William have been fighting for a community on their own terms according to their own ethics for centuries, but this is perhaps the first time that their neighbors have taken such an active role in a similar effort since the Civil War. The political involvement and cooperation of both native and non-native citizens has resulted in an increase in environmental political literacy overall, and this cooperation strengthens the moral, ethical, and political weight of this resistance as well. Perhaps the two communities that share this environment are learning to understand (or construct) it in similar ways.

Environmental Social Movements and Political Scale

The cooperation of local groups and larger, more established environmental organizations has also had a major impact on KWRP resistance. While I argue that the strength and effectiveness of these groups stems from their local bases, the state, regional, and national partners have assisted them in very important ways.

National and regional environmental groups can provide greater range of resources such as scientific, legal, and political expertise and experience. They can utilize full-time employees, and have organizational permits that allow them to raise money for group activities. Furthermore, in the case of regional groups, it is possible to adapt organizational structures to the spatial scales of a problem as is evident from the Chesapeake Bay groups which have become involved in King William. As a result of these greater resources and infrastructure, these groups are better able to deal with the multiple factors of complex environmental issues. Their greater visibility also allows them to focus broader attention to very local issues with broader implications.

Obviously, local groups benefit from the added exposure, experience, and resources, but they can be very useful to larger groups as well. Having local people agree with a larger group on an issue lends them a certain level of legitimacy and in part shields larger groups from charges of being “meddling outsiders.” Local groups provide a very motivated, usually volunteer (cheap) source of person power, as well. What is perhaps even more important, however, is the embeddedness of local people in their communities. Locals have a very direct and long-standing relationship with the local environment which provides a knowledge base of key importance for debunking scientific models based on outdated or erroneous studies. Furthermore, as members of a community, local environmentalists have direct personal contacts and relationships with political and other neighborhood leaders, which also allows them to exert a level of subpolitical social pressure not possible in other political arenas. With these shared benefits, symbiotic relations between local, regional, and national environmental groups are likely to continue into the future as environmentalists attempt to adapt to as well as transcend ecological and political boundaries. As this process occurs, an ecological civil society will assume a more dramatic and cohesive impact on environmental decision-making, if allowed. In addition, the overall fluidity and flexibility of these movements may be their greatest strength as they attempt to overcome and adapt environmental degradation within present systems.

Other scholars have been working on the public's role in environmental decision-making for some time, and much of this work is complementary to the establishment of ecological civil society. Of major concern are possible mechanisms which people might use to actively contest and restructure the dominant destructive forces, despite the lack of direct democratic processes. Beck's appraisal of an "unbinding of politics" into subpolitics, or from official bureaucratic politics to informal social politics, is just one important example. This unbinding is a social reaction to the development of the "Risk Society" of socially charged perceptions of hazards. He writes that:

On the one hand established and utilized rights limit freedom of action *within* the political system and bring about new demands for political participation *outside* the political system in the form of a *new political culture* (citizens' initiative groups and social movements). In this sense, the loss of governmental powers of structuration and enforcement is not the expression of a political failure, but the product of *established* democracy and the welfare state, in which the citizens are able to utilize all the media of public and legal control and consultation for the protection of their interests and rights" (Beck 1992, 185).

Thus through these trends, we might achieve what Timothy W. Luke has called "ecological populism" in which:

. . . local communities might create their own emancipatory environmentalities—beyond the ruling agendas of suburban consumerism now using scientific disciplines and technical formations to discipline society scientifically and form economies technically—by reinventing the interplay of technics and ecology in the unbuilt and built environments (Luke 1997, 198).

While we remain a long way from reinventing our local communities along these lines of local responsibility, an ecological civil society could be the most important element in its creation by supplying the intellectual, moral, and motivational backbone of this transformation from inside each locality. Or, to again quote Beck (1998), "The shared fundamental idea here is to restructure fields of action such that actors burden their environment less with problems of consequences and simultaneously become more autonomous in their decisions and responsibilities" (166). Local control in exchange for local responsibility in constructing physical and social communities is the simplest, cheapest, most direct, and most democratic solution to the current failures of environmental politics. It is hopeful that the development of at least the desire for local control and education seems to be spreading.

Thus, in King William, Virginia and many other rural areas, environmental advocacy could be becoming a new political constant in the face of sprawling development and the mobile agents of environmental disturbance. These grassroots groups represent an emerging ecological civil society that may one day provide the means for informed, democratic decision-making on local environmental matters that large-scale national and international environmental groups have never accomplished alone. As knowledge and experience filter throughout society, we may yet develop processes that approach environmental problems in their full social and ecological complexity, and in that fashion begin to ‘create’ communities that are physically and socially democratic. Until that happens, resistance groups will have to continue their struggles at subpolitical levels, excluded from political power, but still able to contest environmental discourses and ethics in the struggle for public opinion. For the moment, however, political processes exclude and marginalize these voices, as the KWRP political processes illustrate.

Chapter 5:
Administering the Environment:
Bureaucracies and Permit Processes

What follows is a brief sketch of federal and state regulatory agency responsibilities which make up the permit process for the proposed King William Reservoir as well as a general introduction to bureaucratic environmental administration. It will expose the ultimate primacy of government bureaucracies in controlling projects involving environmental change, and the overall relegation of citizens' input to 'comments'. The purpose of these efforts is first to show significant problems with exclusive government environmental administration, thus exposing *why* it should be contested and improved. This will situate the second objective, featured in Chapter 6, to show *how* government actions has been contested by private citizens throughout the various permit processes as they developed and exercised their democratic prerogatives.

The politics of science and expertise

The legitimacy of federal and state environmental administration is based on the perpetuation of scientific authority as a discourse of control. Through science and technology, 'experts' are people who have or are developing understanding, and theirs is the power to define, control, and solve complex problems. Or, at least that is how it is supposed to work. The formal "scientific method" of trial and error is the source of scientific knowledge, however, and 'error' is an inevitable element of this practice. As a result, the advertisement of control perpetuated by the 'Corps of Engineers,' 'Environmental Protection Specialists', and the 'State Water *Control* Board' inevitably comes into conflict with other images resulting from often well-publicized mistakes. As Beck writes:

To admit today that one had been mistaken in setting the acceptable values for the safety of pesticides—which actually would be a normal case in science—amounts to the unleashing of a *political* (or economic) catastrophe, and must be prevented for that reason alone. The destructive forces scientist deal with in all fields today impose on them the inhuman law of *infallibility*. Not only is it one of the most human of all qualities to break this law, but the law itself stand in clear

contradiction to science's ideals of progress and critique (Beck 1992, 54).

The result is decline in government credibility and public trust, or 'social capital', and the emergence of public anger and resistance towards government administrators.

This paradox between the political requirements for situation control (or at least the perception thereof) and the practical scientific requirement for making mistakes are thus always in inherent conflict. For example, the word 'expert' comes from the Latin root, *experiri*, to try (as in 'experiment'). But the 'experts' of federal agencies are not billed as the experimenters their discipline demands, but as 'authorities'—from the Latin root for 'create'. An expert has the image of control and mastery over the physical world. That is how they are allowed to judge: "This will cause harm, and this will not."

Ironically, however, federal agencies have only recently recognized the usefulness and importance of the more informal trial and error process of personal 'experience' existing in local populations. While few citizens can count formal scientific degrees among their accomplishments, everyone learns through experimentation to some degree. The result of this is that private citizens have a great wealth of accumulated direct knowledge of their physical environment. The more personal interaction with that environment, the more extensive the understanding. Despite this, and despite its own experimental inconsistencies, the federal government still denies private citizens a direct role in environmental administration. An official based in Philadelphia or Norfolk still has more power, responsibility, and 'expertise' on environmental meaning and construction than any lifelong citizen of King William County—environmental scientists included, and the weight of these powers demand this embedded public perceive no mistakes.

Thus, experts are prisoners to an occupational catch 22. They are the people most qualified to make environmental decisions because they have the most formal 'experience'. The process of learning, of trial and error, puts them in the best position to know more than anyone else, but they still have much to learn. However, governments are in the business of answers not questions, and so the necessity and inevitability of mistakes inherent in the scientific method is submerged and hidden within environmental administrative personas of technical mastery. According to Beck, instead of admitting fallibility, 'technological elites' cast their non-expert opponents as

“ignorant, of course, but well intentioned; hard-working, but without a clue
Protests, fears, criticism, or resistance in the public sphere are a *pure problem of information*. If the public only knew what the technical people know, they would be put at ease—otherwise they are just hopelessly irrational” (Beck 1992, 58). In the face of this ‘irrationality’, democracy becomes an inferior political process for some ‘technological elites’. Indeed, politics is itself suspect.

Fischer (1990) describes these sentiments as ‘technocracy’—the politics of expertise: “Thus for technocrats the solution is to replace the “irrational” decision processes of democratic politics (group competition, bargaining, and compromise, in particular) with “rational” empirical/analytical methodologies of scientific decision making . . .” (22). This paradigm is becoming popular in various political arenas, but it has been the normal code of conduct for environmental administrators for decades. Fischer states that the technocratic solution, “is to replace politicians and interest group leaders with technically trained experts who ‘stand above’ the political process” (24). While this situation may eliminate the public from the political system, it has not shaken politics so easily. As Jasanoff writes: “With the accumulation of evidence that ‘truth’ in science is inseparable from power, the idea that scientists can speak truth to power in a value-free manner has emerged as a myth without correlates in reality” (1990, 17). Instead of a ‘politics of expertise’, what often results is the ‘politics of experts’.

Political collusion and interference with legitimate scientific research and policies in federal and state environmental administration are not just problems of the past. Journalist Todd Wilkinson has documented in *Science Under Siege: The Politicians War on Nature and Truth* (1998) many cases in which federal or state agency scientists (including EPA, ACE, and FWS) have suffered firings, false charges, early retirement, harassment, threats, intimidation, and other methods of ‘persuasion’ when their scientific data and reports or political activities are perceived as not agreeing with the policies of those more powerful both inside and outside their respective agencies. In one case, involving the FWS, these activities even included the seizing of one scientist’s data and the ransacking of his office by his boss. The problems have gotten so bad, that

several groups have been organized to protect federal employees in environmental administrative agencies from such oppression.

In addition, most of these events occurred or are occurring during the Clinton administration which is supposedly highly concerned with environmental issues. What is more unfortunate is that most of these “combat scientists” represent the federal scientists and managers who would not back down to political pressure, pressure often brought to bear by members of the U.S. Congress on behalf of their key supporters. This illustrates the traditional forms of relations between Congress and federal agencies.

Other examples of these relationships, specifically water resource infrastructure and water politics, are what McCool has called ‘iron triangles’:

. . . an iron triangle is an informal political alliance that forms to influence a specific public policy to its advantage. Consisting of congressional committees and subcommittees, administrative agencies, and interest groups, these tripartite coalitions influence the allocation of government goods and services in such a way that the congressional committee members get credit for “bringing home the bacon” to their constituents, the administrative agencies expand their budgets, personnel, and turf, and the interest groups get what they want from the government (1997, 5).

This system is just one example of what has quietly passed for ‘public’ administration of environments and their associated resources.

Dryzek has listed three reasons why federally controlled environmental administration is less than effective over time. Firstly, returns diminish in regards to effort; secondly, achievements may require increased bureaucratization and societal control; and finally, the state as a whole has priorities that do not concern environmental quality and which may override it in cases of conflict (Paehlke et al. 1990, 98). The biased position of business is also a problem as: “Business has more (financially) at stake; it has more to spend on lobbying, litigation, and campaign contributions; and it has more with which to threaten administrators and politicians (including withdrawal of the cooperation necessary to implement many public policies)” (101).

Federal Environmental Administration

The primary foundation of federal authority over local environments is the National Environmental Policy Act of 1969 (NEPA):

Sec. 101 [42 USC §4321]. The purposes of this Act are: To declare a national policy which will encourage productive and enjoyable harmony between man and his environment; to promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; to enrich the understanding of the ecological systems and natural resources important to the Nation; and to establish a Council on Environmental Quality.

With these goals in mind, Congress included provisions in the Act which charged federal agencies to prepare Environmental Impact Statements for any of their actions, such as construction projects or issuing permits, which will dramatically affect the environment. The EIS is supposed to describe the proposed action, reasonable alternatives, consequences for the environment, and provide full disclosure about the project to all interested parties public and private (RRSWG 1994, 2-3). Within this discourse, however, an ethic of expertise is assumed, as is the role of federal agencies.

As an example of how aspects of an EIS can be co-opted, however, the one being conducted for the RRWSG compares the proposals for the KWR with the other best ‘alternatives’: Black Creek Reservoir in New Kent County and Ware Creek Reservoir in James City County. While the EIS requires comparisons of reasonable alternatives, the definition of ‘reasonable’ is not intuitive. As will be discussed further, the EPA has already vetoed the Ware Creek proposal, and New Kent County no longer supports the Black Creek proposal. In effect millions of dollars are being spent on researching three alternatives, only one of which can still be considered viable, if not ‘reasonable’.

As regards the KWRP, two other acts of federal legislation are also of great importance for overall federal approval, namely the Clean Water Act (Section 404) and the Endangered Species Act. The Clean Water Act charges both the ACE and the EPA with administering permits for discharges of dredged or fill material into the country’s waters or wetlands, but for only the ‘practicable alternative’ with the fewest impacts on these environments. A practicable alternative is an available project option with financial, logistical, and technological feasibility; political feasibility is not included. While the ACE is the federal agency that must issue the Clean Water Act Section 404 permit (in addition to overseeing the EIS development), the Clean Water Act also grants veto power to the EPA for any such permit. Thus while the EPA has only an advisory

role within the permitting process, it does have the power to kill a project should it so desire, as it did with the proposed Ware Creek Reservoir.

The Endangered Species Act of 1973 (ESA) is administered by the U.S. Fish and Wildlife Service (FWS). While the FWS also has a predominantly advisory role in the permitting process, it must issue a 'biological opinion' to the primary federal agency whenever endangered species are potentially impacted by a proposed project. This opinion is not itself binding, and may be ignored by the lead federal agency. However, should the FWS find a significant impact to endangered species and its opinion is ignored, legal challenge would almost certainly result in blocking a project under ESA provisions.

The Fish and Wildlife Coordination Act (FWCA) authorizes the FWS to conduct surveys to "prevent losses of, and to enhance, fish and wildlife at water-use projects constructed or licensed by the Federal Government," as well as providing for the incorporation of conservation measures in such cases (USFWS 1998). As a result of the FWCA, the FWS must issue a recommendation based on studies of these factors which are included within a EIS. This requirement sometimes necessitates studies called 'habitat evaluation procedures' (HEP). The HEP studies must be conducted in order to form a 'mitigation' plan that will 'effectively' replace the wetlands destroyed by the KWR project. In order to do this, the effected habitats must be inventoried and their suitability for wildlife and fish computed, and then compared with proposals for mitigation.

In addition to these duties, federal agencies are also responsible for another area of significance, namely cultural resources. Section 106 of the National Historic Preservation Act requires that areas covered by a federal permit be checked for archaeological and historical resources (RRWSG 1996, 4). NEPA and the Clean Water Act also mandate impact assessments for "traditional cultural property" (TCP) which in the KWR case involve Native American artifacts and sites (RRWSG 1997, 3). These important parts of the federal permit process, are summarized in Table 5.1.

Table 5.1: Permit process for proposed King William Reservoir

| Issuing Agency | Permit/Report | Status | Notes |
|-------------------------------------|--------------------------------------|--------------------------------------|--|
| U.S Army Corps of Engineers | --Clean Water Act Section 404 Permit | Pending | *Also requires EIS, HEP, and TCP reports |
| U.S Environmental Protection Agency | --Section 404 [veto only] | Pending | |
| U.S. Fish and Wildlife Service | --FWCA Comments | --Issued: 7/25/97 | *Recommendations non-binding |
| | --ESA Biol. Opinion | --Issued: 9/18/98 | |
| VA State Water Control Board/DEQ | --Virginia Water Protection Permit | --Issued: 12/16/97 (with amendments) | *Three law suits (each denied) |
| VA Marine Resources Commission | --Sub-Aqueous Beds Permit | Pending | |

Virginia Permit Processes

The KWRP requires two separate permits from the Commonwealth of Virginia in addition to federal permits before it can be constructed. The state process also involves several agencies, specifically the Virginia Department of Environmental Quality (DEQ), the State Water Control Board (SWCB), and the Virginia Marine Resources Commission (VMRC).

The Surface Water Management Act of 1989 states that the Commonwealth of Virginia will insure that adequate surface water flow in streams be maintained at levels that allow for a variety of uses, in addition to setting minimum flow standards for periods of drought, wastewater assimilation, and fish and wildlife support. In order to accomplish these goals, the SWCB, a seven-member board appointed by the governor, is responsible for issuing Virginia Water Protection Permits based on the DEQ's recommendations for proposals of significant water withdrawals from state streams. This process often requires a conservation plan be prepared, to be activated in times of low-flow conditions in the source river (VDEQ 1998).

The final permit required for the proposed King William Reservoir is the Sub-Aqueous Beds Permit issued by the VMRC. The VMRC is a nine-member board drawn from academia and the water industry, and like the SWCB it is also appointed by the

governor. In addition to these commissioners, the VMRC also has its own permanent staff within the agency. Their jurisdiction stems from Title 28.2-1200 of the Code of Virginia which charges them with the authorization of physical encroachment of state lands. In the case of the KWR, it is the physical encroachment of stream and river bottoms by the river intake structure and connecting pipes which necessitate the permit. The VMRC had opted to wait for the completion of the Virginia Water Protection Permit process and the EIS process first, in order ensure that the necessary information would be available to issue their decision. In addition to VMRC officials making their reports, a “Public Interest Review” will be conducted, consisting of hearings featuring both sides on the issue, before the permit will go to the actual Commission for a vote (Watkinson interview 1999).

Before we move to the applied federal and state permit processes during the KWR process, it is necessary to add a further dimension to the overall process. While it is the responsibility of federal agencies to construct and oversee the EIS process, the vast majority of the scientific research and reports are actually conducted by private environmental consultants hired by the applicant (such as NNWW). In the case of the RRWSG reservoir project, of which the King William Reservoir is the primary candidate/goal, these consultants were Malcolm Pirnie, Inc. In practice this means that the majority of scientific research and planning is financed by the applicant, and conducted by a private business specializing in such projects. This means that the majority of the work is conducted by private scientists with potential conflicts of interest stemming from their financial relationships with an applicant.

Moving from Bureaucracy to Democracy

As this chapter has introduced, the various problems stemming from contemporary bureaucratic environmental administration are extensive. They can include the politicization of the scientific method, the exclusion of localized informal expertise, conflicts of interest, and most significantly the relegation of the environment to other government priorities which Fischer (1990) describes as ‘material progress’:

Toward this end, the efficient and effective utilization of scarce resources becomes the primary decision criteria. Politically and managerially, this involves the continuous monitoring and

adjustment of institutional structures and processes to the functional criteria of economic and technological development. The public interest is thus defined in instrumental and functional terms (24-25).

The ‘public’ interest is constructed in simply utilitarian discourses. But as we shall see in the following chapter, the public can itself contest these foci and insert their own ecological ethics in opposition to ethics of expertise and the politics of exclusion. Increasingly, then, communities have their own ideas about the authority of governmental expertise as well as what constitutes ‘progress’ in their localities.

U.S. environmental administration has serious problems. It is important to understand how it is currently conducted—and the associated problems. The various permit processes involved in such a project as the King William Reservoir has drawn in various federal and state government actors who function as the ‘experts’ in deciding the various issues at stake. In this chapter, the relationships and connections to this project by the most important of these agencies were examined, and this bureaucratic system analyzed. With this context it is clearer who is doing ‘official’ scientific studies, and who is making the political decisions in contemporary U.S. environmental administration. However, in order to illustrate the ways in which this political system has sparked increased local subpolitical activity by King William’s citizens we now turn to the specific local acts and statements of questioning, resisting, and contesting of these government bureaucracies.

Chapter 6: A Process of Ecological Conflict

While we have examined the various elements and government actors in a permitting process for a project such as the KWR in the abstract, the actual development of these processes varies dramatically from one project to another. In addition, during the nineties, federal agencies have increasingly attempted to open these processes to public involvement—within limits. This project is a good example of both this new role for the public and the limits of its approved participation. It is the goal of this chapter to expose the sources of conflicts resulting from contradictions between the responsibilities with which government agencies are entrusted, and the final outcomes of these political processes which are often ethically counterintuitive and ecologically harmful. In order to accomplish this goal, the project's political process development will be detailed chronologically along with the ethical and discursive alternatives that emerged to contest it.

Mitigating Mitigation

In 1994, four years after issuing their “Notice for Public Comments,” the ACE issued the Draft EIS which represented the completion of a first stage in the federal process. As was introduced in Chapters 3 and 4, public involvement in King William up to this point had been limited to very few people attending a public workshop in July of 1993. Following the issuance of the Draft EIS and its corresponding public (and government agency) comment phase that produced 79 letters, the ACE required a Supplemental Draft EIS be produced by NNWW contractors (Malcolm Pirnie, Inc.). The purpose of the Supplement was to address concerns from the letters on the earlier EIS, further compare the KWR and the possible Black Creek Reservoir alternatives, provide detailed wetland assessments and mitigation plans for each of the three main reservoir alternatives, and to assess environmental impacts to Mattaponi River plants and animals.

As a result of the latter two requirements, two other consulting firms were commissioned to do wetland studies and classifications in May 1994, and a wetland mitigation workshop was held in February 1995 for interested parties including

environmental groups and state and federal agencies. In the course of these developments, the Habitat Evaluation Procedure was requested by regulatory agencies in order to provide a standard of comparison between possible wetland loss locations and proposed mitigation areas (RRWSG 1995/96, 1-2).

Wetland mitigation—or the avoidance, minimization, or compensation of harmful wetland impacts or destruction—is often a complicated and contentious issue. It resembles in many ways a form of ‘biological arithmetic’, or ecological transplanting, in which wetlands are almost ‘made to order’ to replace acreage lost to development. Mitigation is used to replace losses in one area with gains in another site specifically engineered and for this purpose. Due to federal regulations, the RRWSG will have to replace any loss of productive and functional wetlands with rehabilitated or literally engineered and constructed ‘wetlands’ elsewhere at a more financially convenient locale (RRSWG 1995/96, 2).

The federal government’s “no net loss” wetlands policy requires that each wetland acre lost due to a project must be replaced by at least a one to one ratio though usually the required ratio (due to differences in wetlands quality and function) is two acres compensation for each acre lost. The reason for these strong measures is the loss of over half of all U.S. wetlands, and the intense continued pressures on the remainder. The specific compensation for “unavoidable” wetland loss can take the form of ‘restoration’, ‘creation’, ‘enhancement’, and ‘preservation’ efforts by the applicant.

The technocratic and human centered, or anthropocentric, elements of the above ‘compensation’ discourse are obvious. Old wetlands will be restored, new wetlands created, marginal wetlands enhanced, and existing wetlands preserved (from humans) through the physical actions and designs of people. Angermeier (1997) has listed two main reasons why technological fixes in ecological restoration are dangerous, namely they may cause further ecological damage and they promote ‘techno-arrogance’: “Due to our limited intellectual and technological capability, successful restoration usually has less to do with skillful manipulation of ecosystems than it does with staying out of nature’s way” (60). Angermeier also points out that yet another problem with human intervention in ecological systems is the loss of the interrelated factors of ecological

function such as nutrient cycling and filtering, species diversity at the individual and community scales, and self-sustainability. No project can be capable of replacing all of these factors at a one to one ratio reflected in the no-net-loss policy. Humans do not have the capability to perfectly re-create an ecosystem, they can only attempt to re-create portions of it.



Cohoke Creek Basin: wetlands area and proposed reservoir site.

Another important point is that mitigators can comply with their federal requirements long before it is certain that functional equivalence of the wetlands is determined. Zedler (1996) addresses these problems when he writes:

When mitigation credit is given for converting one type of wetland to another, there is clearly a net loss of area, since both the impacted site and the mitigation site are damaged and only the latter is “repaired,” thus swapping quantity for “quality.” While this appears to violate no-net-loss policy, the regulatory agencies agree that the minimum replacement ratio “may be less than 1 to 1 for areas where the functional values associated with the area being impacted are demonstrably low and the likelihood of success associated with the mitigation proposal is high (92).

The time needed for even a ‘successful’, or self-sustaining, constructed wetland to fully develop is measured in decades at minimum. This has two effects. First, there is an

initial 'net loss' of wetlands during this development period, and secondly, there is no justifiable scientific basis which proves the effort will be successful. Meanwhile, the party responsible has fulfilled its required responsibilities and gone about its business.

The combination of these factors presents several points of contention with this process for many KW citizens. The project will harm very productive and healthy wetlands. Mitigation efforts will take time, and will most likely result in a loss of diversity. While they wait for these wetlands to become self-sustainable and productive, the entire effort might result in failure. Meanwhile, the reservoir will have been built, and much of the RRWSG's official liability will be long since gone. The layers of uncertainty in both technological prowess, ecological systems response, and long-term financial commitment add up to a very bleak picture. It requires a great deal of faith and trust in NNWW and government agencies on the part of citizens, as they will not have a direct role themselves in how these mitigation requirements are developed short of voluntary consultation. In fact, this is apparent from the earliest meetings on the subject.

In June 1995, Newport News on behalf of the RRWSG revised their Joint Permit Application in order to minimize some wetland impacts (exposed by the May 1994 studies) by moving the dam to a Site II. In August, a second workshop concerning wetland mitigation was held in King William with representatives from the FWS, the EPA, the ACE, the DEQ, the Virginia Department of Conservation and Recreation, the Virginia Department of Game and Inland Fisheries, the Virginia Institute of Marine Science, the Chesapeake Bay Foundation, the Nature Conservancy, and the Sierra Club all attending one of two 1995 workshops. It was at this point that the federal agencies identified the 'habitat evaluation procedure' as the method for comparing various wetland sites for mitigation purposes. In the RRWSG (Winter 1995/96) newsletter, *Update*, the NNWW staff stated that: "The mitigation plan the RRWSG is developing is unique and comprehensive, and is based on accepted criteria which meets the approval of regulatory agencies and local host communities. Successful implementation of this plan will achieve a goal of compensating for all wetland losses by establishing fully functional, self-sustaining wetland ecosystems" (2). Of course, the local community

approval was to come from the KW Board of Supervisors, not a citizen referendum or other democratic method.

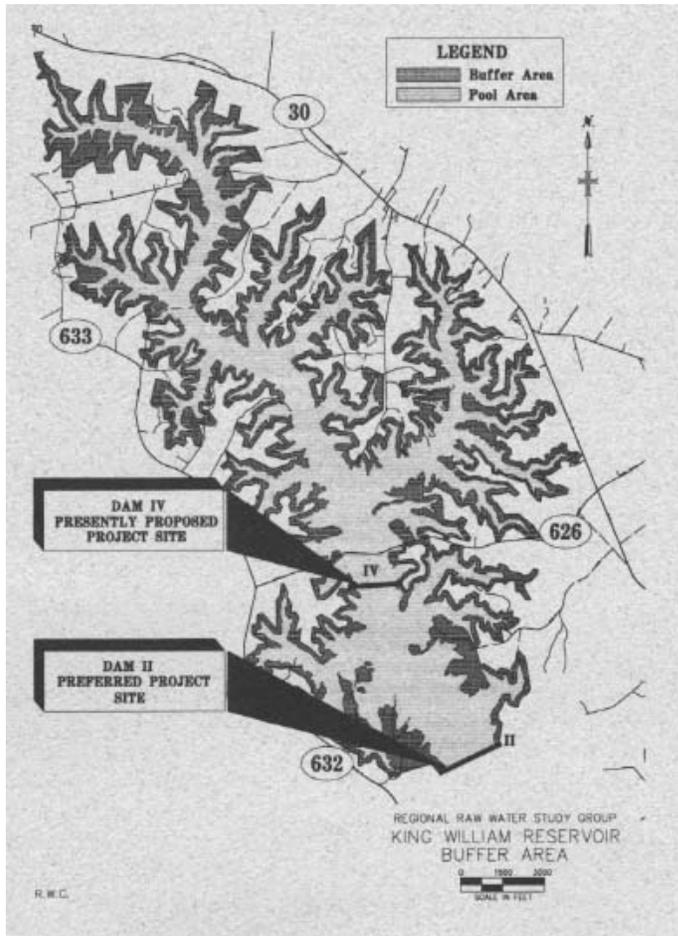


Fig. 6.1: KWR proposed dam sites. Source: RRWSG 1997W.

A Co-opted Process?

In late December 1995, the Supplement to the Draft EIS was published by the ACE, with the comment period closing late March 1996. This Supplement was supposed to have addressed the concerns raised during the public comment phase of the Draft EIS, furnished results from studies comparing the KWR proposal to the Black Creek Reservoir proposal (despite New Kent County's withdrawal of support for it), detailed the wetland assessments and mitigation plan proposals for all three primary reservoir alternatives, and to provide more information on possible environmental impacts on the species of the Mattaponi River (RRSWG 1995/96, 1). According to Billy

Mills of the MPRA, however, the Supplement had many problems. Instead of addressing many of the problems raised from the public comment phase, NNWW merely appended those comments, intending to address comments from the Draft and Supplement at once within the Final EIS. This timing strategy can act to limit public response times during the comment phase, as producing everything at once could overwhelm the limited time and resources of environmental group members. Furthermore, according to Mills, the use of the Black Creek and Ware Creek proposals for comparison, despite the withdrawal of both proposals by their respective counties, undermined the very spirit of the EIS. Instead of comparing three ‘reasonable’ alternatives in order to select the one best suited with the least environmental impacts, the studies compare the KWRP and two proposals that are effectively forfeit. The result was a strategic “slam dunk on the King William Reservoir decision” (Mills interview 7/13/98). Regardless of the environmental impacts, there is only one project on the table.



Scotland Landing: proposed site of pumping station on Mattaponi River

The HEP fieldwork was conducted in July 1996, and that October saw the purchase of Scotland Landing, the intended site for the pump station. This is additional evidence of NNWW moving ahead of the permit process, as a Final EIS had not yet been produced which was supposed to compare several project option alternatives. However, despite the fact that not a single permit had been issued, property had already been acquired at the 'preferred' alternative following the convenient withdrawal of the other alternative proposals (one county subsequently received water guarantees from the proposed reservoir). This illustrates a rather reckless use of public funds by NNWW, as they invested public finances before receiving government approval for the reservoir.

The Newport News mayor and city staff met with King and Queen County Officials to update and discuss the KWR project with them in December 1996. Later that month, Newport News (again, on behalf of the RRWSG) issued a third revision to its application with the VMRC that switched to a Dam Site IV location plan (they skipped Dam Site III as unsuitable) in order to further mitigate wetland impacts (RRWSG 1998). The change in location reduced wetlands loss by 137 acres from Dam Site II, to 437 acres which is still one of the largest wetlands losses since regulation began. The move to a Dam IV proposal, while reducing harmful environmental impacts to wetlands and archaeological sites, opened NNWW to additional criticism. While the change will save 137 acres of wetlands should the project be approved, it also cost the reservoir 696 acres of potential reservoir, leaving 1,526 acres as the current total (RRSWG 1997 [W], 1). Both Mills of the MPRA and member of the ASM have pointed to this change as evidence of a lack of 'regional' priorities on the part of Waterworks, as the yield would only meet the water 'demands' of the RRWSG (Mills interview 7/13/98; Whited 1998). According to Dave Morris of NNWW, the smaller reservoir prevents them from including Gloucester County in long-term planning and allotments which they otherwise would have liked to have done (interview 10/21/98). This controversy is important because of the EPA's earlier veto of the Ware Creek Reservoir proposal because it was not a "regional solution". Of course, this begs the questions of exactly what region is at issue here, and where specifically are its borders? The eventual answers or confusion could result in another EPA veto.

On January 24, 1997, the Final EIS was published by the ACE. The Final EIS contained four additional reports to the earlier EISs, namely the Phase I Cultural Report, and several studies on potential erosion at Scotland Landing, amphibians and reptiles, and herring species. Thus these reports were predominantly concerned with wetland species and impacts as well as archaeological research. Due to widespread public complaints that comment periods were too brief for amateur volunteers to sort through in the allotted time, the ACE, in a unique move, extended the comment period for the Final EIS to six months.

The Phase I Cultural Report was an effort to merely locate any historical or archaeological sites that would be impacted by either the KWRP or the Black Creek Reservoir proposal in New Kent County. As this report was of direct relevance to Native Americans, NN officials met with the Mattaponi Tribal Council on January 10th, and Pamunkey tribal leaders on February 27th. Several months after the release of the Final EIS, however, Native American groups (along with other local groups which supported them) officially came out against the KWR proposal.

The Mattaponi Tribe concluded on its opposition to the KWRP based on its perceived impacts to their culture, environment, and economy. They list the environmental impacts as the loss of 1500 acres of upland forest, and over 500 acres of wetlands which they describe as the largest destruction of wetlands in Virginia history. In addition, they charge that any change in the salinity (salt content) of the Mattaponi River due to pumping would destroy their shad (an imperiled anadromous fish species) hatchery operations and thus the livelihoods of many of the tribe. This link between their environment and their economy means that they can accept very small margins of error in salinity modeling. Culturally, they are concerned about losing cultural sites (see below), and most importantly, rising land prices due to the reservoir would prevent the tribe from achieving its central goal of expanding their reservation: “If we were to become landlocked it would eventually mean the demise of the Tribe.” To the Mattaponi, any mistakes by the scientists studying this project could possibly result in their ceasing to exist as a people: “We cannot move a Reservation, as our land is in trust

with the State and we cannot sell it and we would not sell it even if we could. There are our roots, our heritage and our culture since the dawn of time” (Mattaponi 1998).

On March 22, 1997, the MPRA and the Pamunkey Tribe, which was speaking on behalf of the United Indians of Virginia (UIV), issued joint press releases. The UIV is a consortium of seven Virginia Native Tribes, but does not presently include the Mattaponi Tribe. As the group members most directly affected within the UIV, the Pamunkey Tribe was given a leadership role concerning the KWR. The Pamunkey/UIV Press Release states that:

. . . Our opposition of the reservoir stems from our concerns about the plan that has been established to mitigate its effect on the environment and our culture,” explains Chief William Miles of the Pamunkey Indian Tribe. During a hit-and-miss archaeological survey of the effected area, approximately 160 archaeologically significant sites were identified. Current plans are to further investigate 55 of those sites. “We are justifiably concerned about the remaining 105 sites, as well as the many sites that were never identified. We do not want anyone disturbing our historical sites that may contain burial sites as well (MPRA 1998).

The release goes on to affirm that it supports the MPRA position that the current wetland mitigation plans were “vague and noncommittal.” This coalition of an environmental group and a Native tribe, both of whom affirmed the other’s concerns as their concerns issued a direct challenge to both the wetland mitigation issues and the traditional cultural properties issues. In effect, this represents citizen groups stating that government regulators should either demand changes to these plans, or reject the project (their preferred course of action).

The criticism went beyond mere indirect challenges to regulators, however. In a very focused attack, the Pamunkey Tribe concluded its press release stating: “The Commonwealth of Virginia has not lived up to its trust responsibility for the two reservated treaty Tribes, as it pertains to this project. It also has not taken steps to safeguard the Tribes in its cultural, subsistence and other rights as prescribed by the treaties” (MPRA 1998). By this point, than, charges of government failure had moved from KW Supervisors to state officials.

In their own press release on the same day, the MPRA Board of Directors after listing their various and specific complaints leveled their criticism not only at the project, but at federal agencies as well:

Moreover, MPRA judges this [Final] EIS to be clearly reflective of a serious and continuing trend toward blatant accommodation of the applicant by federal agencies charged with protecting the Nation's and the Commonwealth's natural resources, under the leadership charge of [ACE]. MPRA also understands and appreciates the mounting and considerable political pressure that this application is projecting upon [ACE]'s Norfolk District Office and staff, EPA Region III, and the USFWS. MPRA further appreciates that a considerable amount of the political pressure originates from the Commonwealth of Virginia and the Natural Resources Secretariat. These considerable pressures notwithstanding, **MPRA strongly recommends that the Corps demand a Supplement to the FEIS to address the shortcomings and failures of the FEIS,** per MPRA's detailed comments and the meritorious comments of other informed and knowledgeable reviewers. **This FEIS cannot stand as written** [bold in original] (1998).

This press release was concluded by a call to action by all local citizens to “actively participate—attend, listen, learn, and speak up.” This request included an admonishment to citizens and the Board of Supervisors of KW to read the Final EIS for themselves. Taken together, these sentiments reflect a dissatisfaction with government environmental administration, and the belief that informed local participation must be part of the solution.

As yet another example of public exclusion, despite the above grassroots criticism of wetland mitigation plans only government agencies were to become part of the “interagency mitigation team” and “interagency HEP team” which both consisted of ACE, EPA, FWS, Malcolm Pirnie, Inc., and NNWW. Despite the openness of the 1996 wetlands mitigation workshops (presentations) in which all were invited, and the similarly open tours of proposed wetland mitigation sites in February 1997, meetings of the interagency teams in March and April 1997 did not incorporate outside groups (RRWSG 1997[Sp], 7). While great pains were taken to keep everyone informed, the public was given no role in providing “guidance on the development of a detailed mitigation plan” (7). The political construction of KW's physical environment once again excluded its people.

In July 1997, the Fish and Wildlife Service sent its comments mandated under the Fish and Wildlife Coordination Act to the ACE. After addressing wetland mitigation, flow regimes, anadromous fishes, endangered species, and other wildlife, the FWS's position on the KWR was to recommend denial of the ACE's permit:

The project's impacts, which include inundating 437 acres of wetlands, 21.0 miles of perennial and intermittent streams, 875 acres of upland wildlife habitat, and potentially altering an additional 105 acres of downstream wetlands, elevating salinity levels in the York River basin and impacting the Federally threatened sensitive joint-vetch, are extremely detrimental to the fish and wildlife resources of Southeast Virginia. Based upon the existing and new information presented in the EIS documents for this project, the Service reaffirms its position, as stated in our letter dated June 3, 1994, that the proposed King William reservoir, situated in a tributary of the Chesapeake Bay, will result in substantial and unacceptable impacts to aquatic resources of national importance (Wolflin 1997).

Of course, this review and agency opinion is non-binding, and the ACE can take it or leave it as they see fit. This is also true of the Biological Opinion, which is the FWS findings on under the Endangered Species Act that was released on Sept. 18, 1997. This finding would allow the project, but it remains highly controversial.



Eagle's nest on Mattaponi River, near Scotland Landing

The species of concern in this project included the ‘endangered’ bald eagle, and the two ‘threatened’ plant species, the sensitive joint-vetch and the small whorled pogonia. The small whorled pogonia had itself been listed as ‘endangered’ until November 1994 when “the recovery objective of having over 25% of the known viable sites (as of 1992) protected was achieved” (USFWS 1997, 3). While the changes in the proposed dam site moved the project outside of what the FWS saw as harmful proximity to bald eagles, the other two species required detailed reviews.



Sensitive Joint Vetch

The small whorled pogonia is a member of the orchid family, and two populations had been found in the area of the proposed reservoir itself. However, only one of the colonies currently exists, as the other met with disaster. “A June 1997 survey

for the plant found that the area had been recently clear-cut and driven over by heavy machinery. Later in the summer of 1997, this area was burned and is now managed for pine timber rotation. Therefore, the site no longer provides suitable habitat for pogonia” (1997, 5). This convenient occurrence raises questions as to why these areas were not under some form of protection while studies were being conducted.

The sensitive joint-vetch is found in five populations each on both the Pamunkey and Mattaponi Rivers. According to Gary Rouse, a local King William County botanist and member of the MPRA who has done extensive studies on the sensitive joint-vetch (he is referenced four times in the Biological Opinion), it is one of the top three rarest freshwater/tidal plants. It is a member of the legume family and it tends to live in a very specific part of a river, generally several feet from the bank. This combination of river location and bank location probably results from very delicate salinity balance requirements. Unfortunately, the largest population of this plant on the Mattaponi River happens to be on a bar in the channel directly across from Scotland Landing, the proposed site for the reservoir intake pipes and pumping station which NNWW bought in 1996 (Rouse personal interview 1998). While most of the salinity change debate has focused on its possible effects to anadromous fish spawning on the Mattaponi, the possible effects on the sensitive joint-vetch could also be substantial as well, and not necessarily to just the Mattaponi: “As the Mattaponi and Pamunkey Rivers converge to form the York River, potential salinity changes from freshwater withdrawals in one tributary have the potential to affect salinity levels in the other tributary” (USFWS 1997,6). The Mattaponi and Pamunkey Rives represent 1/3 of the Virginia rivers with populations of this species, if the salinity models are incorrect, the results for the joint-vetch could be dramatic.

In spite of these considerations, it was the Fish and Wildlife Service's conclusion that:

After reviewing the current status of small whorled pogonia and sensitive joint-vetch, the environmental baseline for the ranges of each species, the effects of the proposed action and the cumulative effects, it is the Service’s biological opinion that the Regional Raw Water Supply Project Plan, as proposed, is not likely to jeopardize the continued existence of small whorled

pogonia or sensitive joint-vetch. No critical habitat has been designated for these species, therefore, none will be affected (USFWS 1997, 9-10).

For many people, however, the fact that habitat and threatened plants will be lost seems to be at odds with the very purpose of the Endangered Species Act, “critical” status or not. Some scholars have even written that the ESA itself should be changed to become an “Endangered Community” or “Endangered Habitat” Act. This is because if only the largest pockets of species habitat are saved, long-term survival is reduced. Or in other words, “it is the numerous genetically differentiated populations *within* species that must be protected. Furthermore, since many species, especially plants and invertebrates, go undetected the only practical method of protection (as opposed to the expensive and politically suspect listing process of individual species) is at the habitat level (Kohm 1991, 299).

This point has not been lost on citizens of KW, either. A member of the Alliance to Save the Mattaponi, made similar points in her comments to the EPA. She wrote that “ALL aquatic and marsh species currently living in the Cohoke Basin WILL BECOME EXTINCT as the basin is filled. This is a SIGNIFICANT ADVERSE IMPACT TO REGIONAL BIODIVERSITY” [emphasis in original] (Whited 1998). Even those citizens of KW that oppose the project that do not have some level of expertise could look at this non-binding federal finding as very illogical and counter-intuitive. What is the sense of allowing a threatened species to be destroyed simply because they are judged to not be “critical” according to some arbitrary scale? This represents not science but a value judgment, an ethic of expertise, on the part of the FWS, and as with all value judgments citizens have the right to disagree according to their own environmental ethics. There are, however, no mechanisms for the public itself to reverse such decisions directly, and this is not the first project that might have needed it:

Public involvement and judicial oversight will become even more important to ensure that listed species receive the full protections to which they are entitled. The federal bureaucracy has an increasingly spotty record of administering the ESA. . . . Evidence also exists that the Secretary [of the Interior] occasionally ignores ESA requirements. For example a Denver newspaper reported in 1988 that Fish and Wildlife Service biologists were ordered by their superiors to issue a “no jeopardy” biological opinion for a controversial proposed dam even before completion of

studies on the project's impacts and despite the fact that the reservoir would destroy up to one-third of an endangered butterfly's remaining habitat (Rohlf 1989,206-207).

Initial Rulings

On March 1, 1997, the Virginia Department of Environmental Quality issued a Virginia Water Protection Permit Draft which listed 50 separate conditions that NNWW was legally required to fulfill both before and after construction. DEQ held two public hearings on the Draft in King William County in late March and mid-July. The second hearing, which was originally planned as a workshop where attendees could look at seven booths from NN as well as state and federal agencies, became a two-hour public inquest of the DEQ representative with some help from other officials. This change in format resulted when someone seized the public address system and 'requested' a direct question session. As the meeting was for 'informative' purposes none of the questions or answers were officially recorded (MPRA 1998). This is perhaps one of the more singular episodes of 'democratic' action, as many citizens demanded their questions be answered by their officials. The episode clearly shows that government regulators and the general public were not on the same page in regards to what constituted public participation for the KWRP. The line between passive and active involvement had been changed by public demand, if only for one night. People wanted answers to their individual questions and concerns, not generalized information booths.

The long anticipated State Water Control Board meeting was held on December 16, 1997 at the State Library in Richmond. It had been expected much earlier in the year, but with new scientific studies being completed every few months, and the state election occurring in November, it was only in the last SWCB quarterly meeting of Governor Allen's administration that the issue was finally confronted. The meeting would last seven hours with hundreds of people attending, many of them apparently employees and officials based in by the RRWSG. It began with the DEQ permit writer, Joe Hassell, making his two-hour presentation which supported permit approval, and was then followed by hours of public comments by public officials and citizens (RRWSG 1998[Sp], 3).

At the end of the meeting, the State Water Control Board voted 6-1 to approve the draft Virginia Water Protection Permit for the proposed King William Reservoir. SWCB chairman, Hunter Craig, summed up the majority view when he indicated that under the Virginia Water Protection Law he felt he had no option but to approve the permit. He stated that: “My heart and stomach say we shouldn’t vote for this, but my head says we have to” (MPRA 1998).

The one dissenting vote, from Dr. James Couch, was issued because he felt that the RRWSG had not proved “beyond a shadow of a doubt” that they in fact needed the water to avoid serious problems in the future. In this decision, he affirmed that the water needs reports that contradicted those of the RRWSG which were provided by resistance groups were centrally important to this decision. In light of these conflicts, he felt that without more certainty the safest decision was to deny the permit as, if the future need truly existed, the RRWSG could plan ahead to live within the resources they were allocated as opposed to asking neighboring areas to “bail [them] out” (Couch interview 2/8/99).

When asked about the Virginia Water Protection Permit process, Dr. Couch stated that while in many cases the SWCB does not have the jurisdiction (water quality only) to deal with some problems that people raise, the public hearing is a good way to give the public input into decisions. Unfortunately, according to him, much of the public doesn’t understand that a public hearing is a forum in which they can make their own case to administrators, and is not a place for dialogue, debate, and questions.

This point begs the question, then, why is there not such a forum? If people are confused or unsure as to the facts, why is there not a mechanism by which they can demand such answers or further research from a neutral source? Why is there not an institutional discursive space where interested persons can discuss and debate—cooperate and contest—relevant facts and conclusions as well as propose alternate solutions? Why was the public, as opposed to government actors and the applicant, not allowed to inform itself to its satisfaction so that citizens could construct their own environmental discourses around this project and then negotiate an ethically acceptable project with substantial ‘social capital’?

Hypothetically, should such negotiations have failed, the people directly impacted by this project should have been allowed a referendum in which they could reject this proposal. A couple of straw polls conducted by environmental groups during the 1996 and 1997 elections revealed massive disapproval for the project among King William voters (over 90%). As a result, the opposition groups requested that their local House of Delegates member, Jo Ann Davis, attempt to get a non-binding referendum approved in January 1998 (Davis interview 7/15/98). With its defeat, Virginia's legislature compounded this public exclusion by denying even a 'non-binding' opportunity for official democratic involvement of King William County citizens.

Despite this exclusion and marginalization from official politics, local citizens have utilized the subpolitical spaces available to them. Opponents may not have had acceptable responses to their questions and concerns from government and NN officials, but that does not mean that they did not broadcast those concerns globally. It could be said that ecological civil society has come to embody the subpolitical in environmental administration. This is evident through the organization and development of grassroots environmental groups, participation in 'public comment' phases, networking with other social movements, contact with the media, and the assimilation of all these relationships and sources on the internet through links, article postings, and extensive written arguments. NNWW has also utilized many of these spaces and tools, especially with their own substantial website [www.kwreservoir.com] and a quarterly newsletter. In some ways the physical and discursive construction of the KWR will have been achieved digitally.

Environmental Administration and the Local: Being Seen, Not Heard

The technocratic, expert-driven character of environmental administration goes to the core of both how environments are often mismanaged, specifically, and how the U.S. finds itself with environmental decline, generally. The scientific method is a process of accumulation, and what is becoming increasingly apparent with each new ecological disaster is that we are accumulating problems faster than solutions. In addition, the illusion of technocratic control and safety perpetuated by rational 'expert' authorities is

coming unraveled in the wake of accumulating evidence of scientific obfuscation. Such cases as the national tobacco trials reveal how effectively scientists can be used to hide an inconvenient truth, and to what lengths some organizations will endanger public health for their own profit. But with environmental debates, as with the tobacco trials, what is revealed at the tale end of politically charged official, legal, or scientific proceedings is usually common knowledge anyway. Thus the politics of expertise always seems to be lagging behind subpolitical discourse with the credibility of authorities suffering accordingly.

Due to the use of experts as ‘hired guns’ and the politicization of science, people are becoming less patient in waiting for scientific results, and their trust in the experts that conduct and administer these studies is shaken when potential consequences of environmental change affect them personally. In a democracy it is a citizen’s right, no matter how ignorant he or she may be, to oppose such changes. In the informal world of trial and error that we all face in our own lives, the experts have come up short far too often.

The permit processes of the proposed King William Reservoir Project are illustrative of how such potential failures can occur. Mitigation is technocratic environmental administration *par excellence*, and the biological arithmetic of the financially strapped and politically weak Endangered Species Act is yet another example of how obvious ecological harm is made ‘harm-less’ through obscure, inaccessible, and highly technical administrative discourses, decisions, and policies. These failures manifest themselves on the physical world throughout the country. But despite their scientific and political authority, increasingly government actors are fooling themselves more than anyone else. Fixing an already ruined wetland because you plan to ruin a functional one makes no more sense than donating an organ as compensation for killing someone. Killing a population of a threatened species, because it is not critical to that species’ survival is similarly ludicrous, and the ESA and wetland mitigation are just two of the central foci of U.S. federal environmental policy.

The Environmental Impact Statements fare no better when the decisions they are designed to inform are made previous to their initiation, let alone completion.

Furthermore, when the alternatives being considered include only one viable candidate, how can they meet their goal of deciding the best possible alternative? When the policies of the U.S. federal government are this obscure, it is no wonder that state processes, such as Virginia's, illustrate additional poor reasoning.

Through the DEQ and SWCB, Virginia has structures in place to study and make decisions on water quality. What is remarkable about this is what is not administered. The Lake Gaston-Virginia Beach debacle illustrated the need for water quantity distribution policies twenty years ago. As Cox and Shabman wrote in 1984:

The water supply problems that have developed within the Commonwealth [of Virginia] during recent years demonstrate the inability of existing institutional mechanisms to effectively resolve certain water supply conflicts. These conflicts have generally involved proposals for interjurisdictional transfers of water to supply public water systems. Several significant deficiencies exist in the present water allocation system including inadequate information, uncertainty about property rights, and the absence of mechanisms for effective negotiation (221). Such an institution might have allowed Newport News and King William County to settle their differences with King and Queen County a long time ago. Additionally, if such an institution would undertake state-wide water research for planning and policy, along with various interest groups in an open process, the public might finally have their forum to ask questions and demand the further research that they were denied in the SWCB proceedings over the KWRP.

This analysis of the KWR project development has exposed many of the sources of public contestation in federal and state environmental administration. The permit process has largely reduced public involvement to comments or attendance of information sessions. This has left an ethic of expertise as the sole discursive force in official political processes. Increasingly, however, citizens have demanded on a subpolitical level that they be politically empowered to question this dominant discourse by demanding additional studies, questioning the validity of completed studies, and to appeal official decisions based on ethical suppositions which they do not accept. Thus, the processes of technocracy are justified with increasing difficulty to skeptical and informed citizens with strong aspirations to decide such matters for themselves in order to construct their communities in ways that make sense to them.



King William Courthouse (ca. 1750s), the oldest courthouse in continuous use in the U.S., and the county's newest government building, the King William Reservoir Project Management Office (1998).

Conclusion:
Democracies of Practice and Principle

As has been discussed, current environmental problems pose a significant threat to the health and well-being of global humankind despite the fact that it is ourselves who are generating them. The reason for this seemingly incongruous state of affairs includes both social and physical processes and structures each of which have been manipulated through systems of power. Efforts at social and physical solutions that attempt to address environmental problems must specifically examine the power structures that create them.

In *The Risk Society*, Beck writes about a process called ‘ecological expropriation’ wherein the Earth is gradually made uninhabitable by degrees through the decline of specific individual areas all over the world. Within risk society every act of environmental change has the capacity to lead to a decline in the ecological health of that environment. For the people and creatures with a connection to or dependence on such a place, direct local consequences are part of a broader pattern “where everyone is pursuing a ‘scorched Earth’ policy against everyone else” (1992, 38). But, the Earth’s infrastructures do not have to be dismantled in the name of human infrastructures. As Beck has predicted, new types of hazards have generated new forms of social resistance. Politics is meeting subpolitics, one aspect of which is the emergence of an ecological civil society.

As we have seen, the story of the King William Reservoir Project is one of gradually increasing opposition and resistance to local, state, and federal processes and decisions. It has been argued that this project has acted as the catalyst to create a new dimension of civil society, an ecological civil society, which has undertaken the task of informing itself politically and ecologically to effectively resist undesired local environmental change in order to control and design their own communities. This public involvement was generated from nearly zero, but has garnered national attention in its struggles and interactions with both the initiating party, the RRWSG, and also government administrators. It has been suggested here that this case is an example of the

development of and need for new democratic forms of environmental politics—new democratic forms that could minimize the gridlock normally associated with American politics.

Democratic participation in environmental politics is not new. It has been growing in the last few decades and it will continue to have a major influence on U.S. environmental administration. The question, then, is what forms it will be allowed to take in the future, and how accountable will those forms be. Traditionally, participation has taken the pattern of opposition and rancorous public relations campaigns that generate more hostility and polarization than results. Indeed, the KWRP conflicts revealed these trends in the grassroots campaigns of environmental groups and native tribes. This is largely a consequence of the absence of concrete public political powers to affect specific change through other means, however, which leaves outright opposition (for as many reasons as can be found) as the most effective form of resistance. As citizens have no direct political negotiating powers, they are left with only the veto of widespread public opposition or elections that can require a great deal of organization, expense, and time. This leaves the subpolitical spaces in the press, the world-wide-web, public comments, public demonstration, in personal relationships, and grassroots organization as their only methods for this resistance. The fact that these spaces are becoming increasingly polarized is generally not a good thing.

Michael Karlberg (1997), in an article focused on media coverage of environmental issues, writes that often the adversarial ‘frame’, or “central organizing idea for news that supplies a context and suggests what the issue is through the use of selection, emphasis, exclusion, and elaboration” (22), is often characterized by dichotomy/duality and extremism/confrontation in the representation of actors, actions, and ideas. This also acts to “amplify the positional arguments statements and demands of the dueling camps - as opposed to probing and clarifying their underlying interests and motives” as well as “construct environmental issues in primarily economic terms.” The implications for social movements and social policy concerning environmental issues is that:

Thus there exists a systemic pressure to adopt extreme and confrontational modes of expression in order to engage in public discourse. Extremism becomes a ticket for admission to the public

sphere - with very practical consequences. Such expressions tend to polarize issues and alienate social groups from one another. They tend to reduce empathy, lessen willingness to listen and close minds. And they are thus a breeding ground for further misunderstanding, prejudice, enmity and conflict (24-25).

So, as a result of complex political, social, and cultural trends, environmental issues have often become yet another public war ground, with intransigence pruning off opportunities for mutual benefit and consolation by reducing input, understanding, and choice.

The positive role which ecological civil society could play in environmental processes must be acknowledged. The contributions of informal, experiential understanding of the local environment, in conjunction with more technical administrative skills should act to expand ecological knowledge rather than reduce or submerge it. In addition, this is also true of their political/subpolitical involvement in environmental administration. The intimate knowledge of how environmental change could directly affect them brings greater human context and possibilities to an issue:

Their goals frequently articulate alternatives to the political process, political parties, the state, and the capture of state power. By articulating concerns of justice and 'quality of life', these movements have enlarged the conception of politics to include issues of gender, ethnicity, and the autonomy and dignity of diverse individuals and groups (Routledge 1995, 272).

The results of this inclusivity should be greater flexibility, adaptability, and effectiveness.

This poses a question then: How can an ecological civil society be utilized to increase the thoroughness and effectiveness of environmental administration without incurring simultaneous reductions of these same elements through partisan political combat? One key element will have to be the adjustment of attention from the technocratic or merely financial stakes of an issue to ones more inclusive of human and ecological communities and the ethics and needs of each:

Furthermore, a principle-centred discourse creates a very different social dynamic than one based solely on economic pragmatics. It shifts public discourse toward a new centre in which the instrumental rationality of state and corporate managers is balanced by the ethical judgments and aspirations of all citizens. It thus provides the voices of marginalized, oppressed, disenfranchised

and silenced segments of the population a renewed legitimacy in the public arena, leveling the playing field of public discourse (Karlberg, 1997, 26).

Of course, merely changing the foci of environmental administration and discourse will only go so far without more concrete public political involvement to open them up to alternative ethics.

As has been demonstrated, the failures of bureaucratic environmental administration needs active public involvement to counteract its technocentrism and susceptibility to unethical political pressure. This will require a multi-layered return of democratic structures to environmental politics to achieve wide-ranging impacts. Or, as Beck (1998) writes:

The scenario I have sketched here can be summed up in a plea to take the invisible practice of social self-help and grass-roots political organization and make it visible; give it economic, organizational and political weight. This becomes possible only if we invest in civil society, thereby democratizing democracy, so to speak. What we need is a citizen-state alliance for civil society, if need be in opposition to work and capital. But this alliance should attract all those who hold democracy dear (64).

To those that believe that most people are not yet ready for the responsibilities of an ecological civil society, such as educating and involving themselves, Beck responds: “But that is precisely the point: people acquire a taste for democracy by practicing it. Freedom begets, strengthens and expands freedom” (60).

It is important to remember, however, that ecological civil society is as potentially corruptible and prone to excess as any other human endeavor, so accountability and openness are important concerns for its development. Democratic participation will only be helpful if it is informed and responsive, so a multitude of forms and voices are positive progressions in this direction.

A Negotiated Reservoir?

In interviews with leaders of both the MPRA and the ASM, what is most interesting is that opposition to the KWRP is not aimed so much at resistance to a reservoir so much as a reservoir controlled and designed by NNWW. A smaller reservoir under local control would probably satisfy native concerns on fishery and other environmental impacts—if not their cultural properties concerns—and also King and

Queen concerns for their own future water supplies. It is feasible that a plan could be constructed to provide both a reservoir (and thus a potential water source to meet the larger needs of surrounding areas like the RRWSG), and satisfy local concerns that their environment and political sovereignty is protected from being 'sold out' to 'outsiders'. To locals it seems that NN does not share and is not capable of protecting their environment in accordance with their local ethics and values. It is more than infrastructure; it is more than resources.

The MPRA only formally opposed the project after it felt its contributions and comments in the EIS process were being ignored, and in general it supports a regional solution to water needs that would minimize the damage of each jurisdiction conducting its own project (Mills interview 7/13/98). The ASM would probably be amenable to a smaller, negotiated reservoir under local King William County control as well (Rivera interview 10/28/98). In addition to these perspectives, the King William Business Association Inc., which has tried to stay neutral through all this, recently came out in opposition to the contract signed by the KW Board of Supervisors, not on an environmental basis, but on the basis that it was a poor business deal for the county (Latane 2/19/99, B4).

In many ways, it is not just the water and ecology for which these people are struggling, it is self-determination. It is the power to construct and control their own 'natural' environments. They see the project as a threat to all of this. As one interviewee stated, "These people [NN] don't care about the ecology or tradition. All they want is to impose their will. To hurt the river is not worth dollar bills."

Any negotiations to find a more agreeable project have so far been blocked by the fact that a contract has already been signed, and NNWW doesn't want their future water supplies to be dependent on the decisions of another jurisdiction. However, this would seem to indicate that they should have some appreciation for the same point made by local resistance groups around King William County.

A proposed institutional structure that would accommodate such negotiations is not going to be detailed here. That is something for the various stakeholders and actors to decide for themselves. However, many such 'partnerships' have already been

constructed and proven successful. In a Washington Post Op-ed piece (10/11/98, C3), “Grass-Roots Seeds of Compromise,” Mann and Plummer describe how such attempts at “community based conservation” have successfully assembled interest groups from all sides of various disputes towards mutual agreement. Such groups as the Quincy Library Group (CA), Friends of the Cheat River (WV), Applegate Partnership (OR), and Envision Utah, all represent very new and locally democratic problem solving organizations which have the potential to revolutionize U.S. environmental administration. Interestingly though, they write that the primary source of opposition, has been from national environmental groups: “Many local groups regard national organizations as more interested in protecting their turf than achieving solutions that advance conservation.” If these charges are true, it is probably a result of the dependence of these national organizations on conflict and polarization for support, as has already been discussed.

Mann and Plummer, quoting Mark Sagoff, echo the point that while traditional environmental management has been conducted by “impartial bureaucracies” which were to prevent “the mischief of faction,” it is now:

. . . the bureaucrats who are beset by factions: big business and environmental lobbies. For these special-interest groups, he argues “deliberating with others to resolve problems undermines the group’s mission, which is to press its purpose or concern as far as it can in a zero-sum game with its political adversaries.” The system “benefits the lawyers, lobbyists and expert witnesses who serve in various causes as mercenaries,” he says, “but it produces no policy worth a damn.”

By “changing things on the ground where it matters most,” community-based conservation is emerging as the most effective, cheap, and conciliatory method of achieving responsible environmental administration.

The implications for the KWRP are direct and clear. The various groups have fought it out for at least half a decade, and it seems likely that in the end the winner will take all. While environmental groups and other resistance groups have forced very real concessions and additional studies it will have done them very little good if the project is approved and it does prove ecologically harmful. Likewise if any permits are denied or the project gets vetoed, NNWW and the RRWSG has lost millions of dollars and valuable time. King William’s BOS could also find itself in a bind in the latter scenario

as monetary pressures on the budgets continue to expand. The Native Americans twin goals of ecological and cultural protection are also vulnerable to the rulings of distant bureaucracies and courts. No one is truly benefiting from the current methods.

This process could have been improved in a multitude of ways, and at every scale. The federal government should integrate local involvement beyond public comment towards public empowerment—perhaps through involvement in such community-based conservation groups as Mann and Plummer describe. The Commonwealth of Virginia needs to take immediate steps to move beyond mere common-law, and create a modern mechanism or institution to decide which water resources must be preserved for ecological health, and which jurisdictions will control any surplus. Such decisions should be made in cooperation with and approved by the citizens of Virginia, to avoid any ‘factional mischief’. Furthermore, where state permits are in consideration, citizens should have the opportunity not only to comment, but to question. To deal democratically with increasing resource scarcity and pressure, citizens must be educated. That will take time, patience, and new structures, but it is absolutely necessary that citizens have the opportunity to have their questions answered thoroughly. When important and reasonable answers are not available, the Commonwealth should be legally required to see that further studies are conducted to address the insufficiency.

By far though, the most undemocratic and authoritarian incident in this whole process was the denial of a citizen referendum by the Virginia General Assembly. Mischief is not the sole property of federal and state governments, and local jurisdictions such as counties are in no way immune to nefarious operations. Many sources told me that there was evidence that some of the KW leaders that supported this project stood to benefit financially due to properties they or family members owned around the project sites. They question the fact that the county administrator is originally from NN. They wonder why a political party chairman should be paid to have his destructive mining operation turned into a wetlands mitigation site. It has even been charged that the original contract was illegal because the KW Planning Board was never consulted. And charges of “backroom politics” in which issues are decided behind closed doors and excluding the public were also a regular refrain. Whether these charges are true or not,

in KW they are perceived to be true at a broad scale. There is a great deal of money at stake, and local people do not feel like they have all the facts.

Thus, in a political situation this important, citizens should be able decide on an issue for themselves—no executive sessions, no closed doors—on its merits alone. If this comes at the tale end of a community-based conservation cooperative, so much the better. Such a process would ensure everyone the opportunity to voice and negotiate their concerns, and provide a direct means of stopping a project should they be unsatisfied with the results.

These strategies are suggested to accomplish one thing, the re-formation of human and ecological communities at the only scale that is actually available for humanity—the human scale. We do have a problem. Our environments are rapidly declining due to our actions. But we also have plausible solutions. All of us, politically, must make these decisions. There is the democracy of the vote, and there is democracy of action. Laws and decisions do no good if no one observes or obeys them. History teaches that the best way to accomplish the political goal of broad change is to allow people to believe they have consented to the restrictions on their behaviors of their own free will. In the long-term, you can not just tell people what to do, you have to tell them why. Scales are flexible, and so are cultures. Civic culture must be allowed to do its job, to lead its local communities towards social and physical adaptations designed to provide healthy lives in healthy environments.

“Politics is what you choose to believe.” A person told me this while I was trying to arrange an interview with their spouse. What people believe is a complicated concern, both in terms of power and nature. Traditionally, the politics of expertise and monetary influence have had the most to do with these constructions, and they remain profoundly influential. But by using ethics and discourse as the means of analysis to expose how power and nature get constructed and disseminated we reveal more personal other forces. With the unbinding of politics into official and subpolitical forms, what people choose to believe is actually becoming a choice.

The geographies of a community are also products of historical constructions of politics and nature. They represent at the most basic level the cultural choices that have

been made to construct physical and social communities. As new plans and projects are put forth for consideration, many will become ethical points of departure for many localities, as people politicize themselves in the effort to physically manifest their own environmental ethics. Ethics of expertise are no longer unquestioned or uncontested, and their political manifestations will also be enmeshed in continued conflict if not reformed to share input and control. Water and power no longer refer to utilities, but to the politics of environmental needs, bureaucracies, and choices.

Postlude

The final ACE decision regarding its permit for the proposed KWRP is currently expected in June 1999. Significantly, the KW Board of Supervisors voted 3-2 on February 22, 1999 to request the ACE undertake a supplement to the Final EIS. This resolution marks the first time that a majority of BOS members have sided with resistance groups on the reservoir issue. In addition, the needs assessment study originally conducted by Newport News is being studied by the ACE's Institute for Water Resources, and they are expected to make a report in April.

The three native tribes, now unified after earlier worries in late 1998 that the Upper Mattaponi would accept \$60,000 from NNWW in exchange for not opposing the project, continue to vocally oppose this project. NNWW's recent initial offering of 1.5 million dollars as compensation to the tribes for cultural property losses has been rejected as "an insult." The Mattaponi people are organizing a "Trail of Hope walk" on May 15, 1999 in Jamestown to protest this project.

As if all this were not enough, NNWW is encountering an entirely new form of resistance in its attempts to negotiate with landowners of possible wetland mitigation (restoration) sites. One report (Latane 3/28/99, C1), states that the city has now had to move as far as 50 miles from the reservoir site, and to an entirely different river system "because many King William landowners for various reasons, including opposition to the unpopular reservoir proposal, want no part of the mitigation project." As a result of this new difficulty, the ACE has waved its requirement that all mitigation sites be in the

York watershed. Estimates range from 86-162 more acres are needed to complete ACE mitigation requirements.

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