

Policy Entrepreneurs, Issue Experts, and Water Rights Policy Change in Colorado

Deserai Anderson Crow
University of Colorado at Boulder

Abstract

Policy entrepreneurs can influence policy changes and decisions. These people invest their time, knowledge, and skills into promoting policies with which they agree. This paper investigates the influence that entrepreneurs had in the case of recreational water rights policy in Colorado to build a model of policy entrepreneurship. Almost 20 Colorado communities have constructed white-water kayak courses to boost their local economies. In twelve of these communities, construction was followed by community pursuit of a new form of water right—the recreational in-channel diversion. This case study is relevant to many areas of environmental policy and management where policies are transitioning from traditional consumptive uses of the resource to nonconsumptive uses. This policy change was not a given in Colorado communities, with recreational water rights requiring significant investments of community resources. These research findings conclude that policy entrepreneurs were influential to policy change, but the most important actors were expert entrepreneurs who hold expertise in water resource matters.

KEY WORDS: environmental policy, policy change, policy entrepreneurs, water rights

The question of how and why policy change happens provides much fodder for research. One of the most important and interesting aspects to this puzzle involves the individuals who promote policy change. Who are the people who influence the policy process effectively? These individuals, called policy entrepreneurs, are often cited as significant to policy change (see Baumgartner & Jones, 1993; Kingdon, 1995, for example). Entrepreneurs are influential individuals who promote and influence policy changes. These entrepreneurs rely on resources similar to those that citizen groups rely upon, which may be internal or external (Busenberg, 2000). While it is clear that they are often important to policy changes, are they necessary? And beyond their purported influence, are certain entrepreneurs more influential than others?

Theories of policy change have frequently been applied to environmental policy settings (e.g., Busenberg, 2008; Weible, 2005). This study looks at one environmental case study, the recreational in-channel diversion (RICD) water right application process in Colorado, to determine if entrepreneurs are indeed vital to policy change. Additionally, this paper attempts to understand if there are different levels of influence that experts in water law, policy, or management have over this process. Conclusions from this research are important to both environmental policy literature and the policy change literature more broadly. These findings are especially important to consider in relation to technical policy decisions that are made with regard to complex issues of environment, science, and management, and the level of influence that experts can exert in these areas.

This paper will review the relevant literature related to policy entrepreneur influence over the policy process as well as that literature related to the role that experts can play in influencing policy change. This is followed by an introduction to the case study of recreational water rights in Colorado, as well as the methods

used in this case study research. Research findings are then detailed, including a model of policy entrepreneurship among various categories of actors, followed by conclusions drawn from this research.

The Role of Entrepreneurs in the Policy Process

Policy entrepreneurs, for the purpose of this study, are defined as advocates for policy proposals who may be inside or outside of government, groups, or individuals, but who share the defining characteristic of a willingness to invest their resources—time, energy, reputation, and sometimes money—in the hope of future return. That return might come to them in the form of policies of which they approve, satisfaction from participation, or even personal aggrandizement in the form of job security or career promotion (Kingdon, 1995, pp. 122–123).

These entrepreneurs, in essence, “change the direction and flow of politics” (Schneider & Teske, 1992, p. 737). Political entrepreneurs can help to solve collective action problems within groups by changing beliefs, incentives, or resources of individuals in order to promote cooperation to achieve collective ends (Taylor, 1987). Much entrepreneurship in the public sector is focused on promoting cooperation and collective behavior (Schneider & Teske), but there are incentives and activities undertaken by entrepreneurs that go beyond this model of entrepreneurship, as outlined by Kingdon in his broader definition of entrepreneurs.

It is vital, in policy research, to understand the role that resources play in promoting policy change (Busenberg, 2000). Research has repeatedly demonstrated the importance of resources to the passage of new policies. Busenberg argues, however, that we should not focus only on the internal resources available in the policy process. Rather, external political support and the context of the policy process should also be considered as relevant to policy change. Resources important to policy change can take the form of time, energy, and reputation (Kingdon, 1995). They may also take the form of knowledge or expertise, as this study will investigate.

While policy entrepreneurs can introduce innovation in public sector policies through “the generation, translation, and implementation of new ideas,” they cannot do so alone (Roberts & King, 1991, p. 147). A theory of the policy entrepreneur cannot assume that these actors alone can institute policy change. These actors influence the flow of policies, but do not control this flow, according to Roberts and King. Research has established that the presence of policy entrepreneurs in policy venues increases the likelihood of political consideration of policy choices (Mintrom, 1997). Mintrom argues that policy innovation, or the spread of new policy ideas, is related to policy entrepreneurship. Indeed, these political risk-takers “generate creative policy solutions, redesign governmental programs, and implement new management approaches” (P. J. King & Roberts, 1992, p. 173).

This policy entrepreneurship is often compared with private sector entrepreneurship in studies. Entrepreneurs in the public sector discover or alert others to new possibilities for policy innovation, or they try to take advantage of new discoveries in order to create benefits for themselves similar to private sector entrepreneurs (Schneider & Teske, 1992). Schneider and Teske argue that in local governments, these entrepreneurs push forth their desired policy outcomes, which

can upset political equilibrium, but eventually communities move back to a state of equilibrium once policies have changed and evolved. These authors argue that since public entrepreneurs, unlike private entrepreneurs, cannot derive exclusive profit benefits from their actions, some other explanation must account for their behavior. They propose that these policy entrepreneurs may, in fact, encourage adoption of their innovations elsewhere in the policy process and actually share information and technical secrets, unlike private sector entrepreneurs. Additionally, these authors argue that the means through which entrepreneurs overcome barriers to entry into the “market” of local politics is an important consideration.

While these resources and motivations for entrepreneurship are important to understand, it is also vital that scholars understand whether certain actors are more influential entrepreneurs than others. Policy entrepreneurs can include actors within and outside of traditional government sources of influence and power. They can include policy elites, citizens, or experts. Citizens like Lois Gibbs, in the Love Canal case, have been instrumental in promoting and demanding change throughout U.S. environmental policy history (Layzer, 2002). City managers, with their leadership acumen and technical knowledge of city governing, act as entrepreneurs when citizens demand or require change and elected officials do not provide that change (Teske & Schneider, 1994). Similarly, scientific elites can act as policy entrepreneurs based on their expertise in a particular field or scientific policy issue. These elites can at times, however, prove to be myopic in their views of the policy issue, failing to seek opportunities for collaboration across specializations and fields, as in the case of elite entrepreneurs in U.S. climate policy (Hart & Victor, 1993). Clearly, experts and elites have a unique opportunity to influence policy change based upon their knowledge. These elites may be in a particularly influential position that allows them to influence policy decisions and innovation to a greater degree than regular citizens, or even typical policy entrepreneurs. This expertise may prove to be one way in which entrepreneurs can overcome barriers to entry in local politics (Teske & Schneider).

Based on this presumed influence of policy entrepreneurs, there can be a downside to policy entrepreneurship. These individuals may have the ability to “play fast and loose with the public interest” and abuse their power, misuse and misguide people and policies, and can succumb to ethical challenges (P. J. King & Roberts, 1992, p. 173). According to King and Roberts, however, the deliberative processes in place in democratic governments can help to provide accountability and keep entrepreneurial power in check. While there are cases of misdeeds among policy entrepreneurs, their importance cannot be overlooked: “as sources of creativity and innovation, public entrepreneurs are important catalysts for social learning and public sector renewal” (p. 189).

We know that in many areas of public policy making, policy entrepreneurs are vital to promoting policy change. Note that the discussion above focuses on individuals who act as entrepreneurs. Scholars have demonstrated that groups also have the ability to act as entrepreneurs. Due to their size, greater resources, and political influence, these groups can at times be more influential than individuals. It is for this reason that this paper focuses on the role of individuals who may face greater barriers to entry and may have fewer individual resources than corollary groups acting in an entrepreneurial manner.

From the literature presented above, we also know that technical or managerial experts can help promote policy change effectively. How these actors capture entrepreneurial benefits, surmount barriers to entry, and what the extent of their influence is are not so easily understood based upon this literature. Based on the literature outlined above, the following research question is asked: *what level of influence do policy entrepreneurs and experts acting as entrepreneurs have in the process of policy change in recreational water rights policy in Colorado? And further, what differences exist between experts, citizens, and policy elites in terms of entrepreneurial influence?* This study will help to explain some of the benefits, barriers, and influences enjoyed and overcome by these actors by answering this research question. These research questions will be answered based upon a comparative case study research design, investigating recreational water rights decisions in Colorado communities. Based upon these findings, a model of individual policy entrepreneurship will be presented to explain the differences and similarities that exist among categories of entrepreneurs.

Research Methods

A Case Study of Recreational Water Rights in Colorado

The case presented here provides a research setting where a broad case study is investigated in order to conduct comparative case study research on the subunits of the case study, namely communities in Colorado. In Colorado, beginning in 1998, twelve communities applied for a new form of water right—the RICD. This new water right allows Colorado communities to maintain river flows for nonconsumptive boating purposes such as kayaking and white-water rafting. This water right differs importantly from the traditional consumptive water rights permitted under the prior appropriation regime in Colorado. Most significantly, it allows a water right for uses of water that are both in-stream and not dammed or diverted using traditional methods. The diversions in RICD water rights include kayak course (also called white-water park) structures that resemble fish ladders and can be compatible with needs of fish populations. This element has been crucial in garnering support for these water rights not only among recreation enthusiasts, but also among environmental advocates. These kayak course structures are *required* under Colorado law in order for an entity to qualify for an RICD water right.

This RICD water right policy change involved a highly controversial political process due to significant political differences between recreational and environmental advocates and more traditional water interests such as municipal developers, irrigators, and industrial users of water. Golden, Colorado was the first community to apply for a recreational in-channel water right in its current form, based on precedent from cases in Fort Collins, Thornton, and Aspen. Interestingly, Golden's case, which led to many other Colorado RICD cases, arose not due to the presence of a prominent widespread policy problem (Kingdon, 1995). Instead, the City of Golden saw *potential* problems in the future associated with possible depletion of water that would render the city's kayak course inoperable. Golden's legal case, along with three others, went to the Colorado Supreme Court due to strong opposition from state agencies and other water users. The Colorado legislature introduced legislation on three separate occasions to define and restrict the water right (Colo-

rado Senate Bills 216 [Senate Bill 216, Colorado General Assembly, 2001]; 62 [Senate Bill 62, Colorado General Assembly, 2005]; 37 [Senate Bill 37, Colorado General Assembly, 2006]). The recreational in-channel water right debate in Colorado is now legally settled, but the cases wherein local communities applied for an RICD water right are excellent for the analysis of policy influences in local policy processes.

Under Colorado law, only subdivisions of state government (cities, counties, water districts, and so on) are eligible to apply for this recreational water right. No individual can own an RICD. The cases used in the study are all associated with communities. The applying entity is either the city government, county government, or local water district. This research defines policy change as the point in time when a local community decides to apply for an RICD water right. Once a community has decided to file an application for such a water right, the case is largely subservient to legal precedent, statutory regulation, and constitutional language (Crow, 2008). While there is a broader policy process associated with whether the State of Colorado would allow these RICD water rights under statute, each community then went through a policy process internally in order to decide whether or not to pursue their own water right. This process was different in all communities. In some communities, the process entailed lengthy hearings and discussion in public forums. In other communities, there was a dearth of discussion and the debate occurred among managers and elected officials. The level of controversy also varied, but was not dependent on the public processes that took place. The process wherein a community decides whether to file an RICD application is difficult and fraught with uncertainty and expense. Colorado communities have spent significant amounts of money applying for these water rights and building the required infrastructure to support the water right (mean kayak course construction = \$378,200; mean water right application cost = \$276,714). This is not therefore a trivial or certain decision for these Colorado communities, many of which have small populations and tax bases (mean case study population = 21,385). This RICD process is an appropriate example of local government policy change because it is at this point that the local community makes the decision to invest resources in pursuing the water right. It is this decision, and not the legal process that follows, that requires policy makers to engage in discussions of policy change and the corollary consequences.

It is important to note that a community can decide to build a kayak course but decide not to pursue the RICD water right. As detailed below, there are six non-adopter communities included in this study that have followed this path. The communities that decide to pursue the RICD generally argue that if they do not have the RICD, there is no protection against future water depletions to protect their investment in the kayak course and local tourism. This is one of the primary reasons that an RICD water right can be useful to some communities. Under state statute, however, a community cannot own an RICD water right without building a highly designed and engineered kayak course—these cannot simply be rocks put in the river to channel and direct flow.

Case Study Design

This research study was conducted using a comparative case-study research design. In policy processes, it is not only important to understand the influential factors,

but it is also important to understand their relative influence in multiple settings. Multiple-case studies “can strengthen research findings in the way that multiple experiments strengthen research findings” by confirming findings from one case among a group of cases, or by allowing for a broader understanding of a phenomena across multiple cases (Darke, Shanks, & Broadbent, 1998, p. 278).

This research employs a comparative case study protocol to compare those communities that pursued recreational water rights to those communities that chose not to. For this research study, a sample of cases was not selected, but rather the entire universe of twelve adopter communities was studied. When the universe to be studied is small-N, random sampling is inappropriate because it is unlikely to provide the variation on important variables necessary to explain the universe as a whole. In small-N studies, it is important to base case selection on a priori knowledge of the universe of cases (G. King, Keohane, & Verba, 1994, p. 199). Many important differences exist among RICD applicant communities, and it is therefore not possible to select one or two communities from which generalizations can be drawn. Each community that applied for an RICD water right was therefore studied. This universe of twelve communities comprises the entire set of communities that has undertaken an application for an RICD.

Because it is important to avoid selection of cases on the dependent variable to avoid selection bias (Collier & Mahoney, 1996; G. King et al., 1994), communities that chose not to apply for recreational water rights were also studied. All Colorado communities had the opportunity to apply for recreational in-channel water rights. Clearly, some communities were more likely to do so based on geographic suitability for kayak courses and white-water recreation. Because there are myriad political, economic, institutional, and geographic reasons why communities might self-select to build a kayak course, this research design must take those variations into account by studying all adopter and non-adopter communities. The secondary benefit of using this particular set of cases is that these cases represent a varied sample of communities. While there are understandably a large group that represent small tourist-based economies (e.g., Vail, Breckenridge, Steamboat Springs), there are also two communities that are home to large universities (Boulder and Fort Collins), Colorado’s state capital (Denver), metropolitan Denver communities (Golden and Longmont), and a large working-class city in southern Colorado (Pueblo). While no sample is perfect, especially when selecting based on a policy decision, this sample provides ample opportunity for cross-case comparison among disparate cases.

It is important to remember that to apply for a recreational water right, a community must build a kayak course as required by state statute. The kayak course can be constructed before or after RICD application, but engineering plans must be provided to the State in order to qualify for the water right. Non-adopter communities for this case-study research were therefore selected from a list that was compiled by the researcher of all Colorado communities that have built a kayak course or that had definite plans to do so. Based on this list of possible adopter communities, those communities that did not apply for a recreational water right were included as non-adopters. It would be inappropriate to consider including all Colorado communities, or even those communities that considered but chose not to build kayak courses. These communities likely have circumstances that preclude kayak course construction or interest. If the kayak course infrastructure is pre-

Table 1. Case Study Communities

Community	River Basin	Study Category	Population
Golden	South Platte	Adopter	17,159
Vail	Colorado	Adopter	4,531
Breckenridge	Colorado	Adopter	2,408
Longmont	South Platte	Adopter	71,093
Pueblo	Arkansas	Adopter	102,121
Gunnison	Gunnison	Adopter	5,409
Steamboat Springs	Yampa	Adopter	9,815
Silverthorne	Colorado	Adopter	3,169
Chaffee County	Arkansas	Adopter	16,242
Avon	Colorado	Adopter	5,561
Durango	San Juan/Dolores	Adopter	13,922
Carbondale	Colorado	Adopter	5,196
Denver	South Platte	Non-adopter	554,636
Boulder	South Platte	Non-adopter	94,673
Fort Collins	South Platte	Non-adopter	118,652
Lyons	South Platte	Non-adopter	1,585
Glenwood Springs	Colorado	Non-adopter	7,736
Palisade ^a	Colorado	Non-adopter	2,579

^aPalisade has since decided not to construct the kayak course due to conflicts with federal agencies that oversee the operation and management of the Colorado River and its endangered species.

cluded, then so too is the RICD water right. To construct an appropriate comparative case study, it is important to compare cases that would potentially arrive at similar policy results. By including only those communities where kayak course infrastructure was appropriate, desired, and pursued, this study includes all cases of Colorado communities where this criterion was satisfied.

With case studies of all adopters and non-adopters included in this study, it is possible to make statements about policy change and reasons for community decisions to apply for recreational water rights without selection bias. Table 1 below lists each case study community, along with its research designation as either an RICD adopter or non-adopter. Note that the list of adopters and non-adopters includes communities that are both small and large and that represent a geographical distribution including most of Colorado, except the eastern plains.

Data Collection and Analysis

Within each community and statewide, interviews were conducted and document analysis was used to help understand the process through which the community went to make the decision whether to apply for an RICD. Data collection included compilations of all relevant legal documentation and political documentation of the water rights political process in each community. Also, within each community, all local media coverage of the RICD policy process and kayak course construction was gathered and analyzed for mention of individuals or groups who were involved in the policy process. Finally, interviews were conducted with the people who made the decision whether to apply for recreational water rights in each community, political actors that were involved in the decision processes, and stakeholder groups and individuals that promoted or opposed the policy. For this research, interviews

were conducted until a complete narrative of the policy process was ascertained and all significant individuals involved in the recreational flow decision-making process were interviewed. This interview protocol involved in-depth interviews with 75 subjects across the state of Colorado and within RICD adopter and non-adopter communities.

The two goals of this interview design were to ensure thoroughness and accuracy, as defined by Rubin and Rubin (2005). Thoroughness is accomplished by selecting interview subjects with disparate views about the RICD policy generally and about specific cases. Accuracy is achieved by carefully recording, transcribing, and reporting the data that were collected. Each interview subject was assigned a code, which is used each time a quotation from that subject is used in this paper. The alphabetical code describing the subject's group, along with a number comprise the interview subject code.¹ For example, local elected officials are coded as EL. These subjects are assigned codes EL-01 through EL-07.

By analyzing the data gathered through interviews and document content analysis of mass media data, legal applications and court decisions, and local government decisions using systematic coding and analysis, it is possible to understand the relationships of the policy actors in the RICD case and develop an understanding of policy change at the community level. "The idea of coding is to link what the respondent says in his or her interview to the concepts and categories that will appear in the report" (Weiss, 1994, p. 154).

NVivo software was used to manage the qualitative data. NVivo is used to organize and order data to recognize patterns among data. The data were coded in a line-by-line method that links statements made to interview subject names and conceptual categories. Based on the concepts presented in the literature as well as emergent categories from the data, codes were created for organizing the raw data (Weston et al., 2001). This use of literature to form the broad categorical codes helps narrow the range of possible data categories from an infinite number to a manageable few. Additionally, it focuses the coding on the research question being investigated. While the literature is an important starting point for qualitative research, it is important to remain open to emergent categories in the data (Strauss & Corbin, 1998; Weston et al.). Interview data and document research therefore led to the creation of more specific codes upon which to base the data analysis.

Two related analytical processes are used in this research study. First, the researcher developed a within-case analysis involving a detailed case summary for each community (Eisenhardt, 1989). These summaries are "central to the generation of insight" because they aid in the management of huge volumes of data (p. 540). The goal of these summaries is to analyze the policy process within each community (Miles & Huberman, 1994). Second, the researcher conducts a cross-case search for patterns from the within-case analyses. This method is used to determine common patterns across communities in order to form the basis of research findings (Bourgeois & Eisenhardt, 1988; Eisenhardt, 1989). By breaking down the data into their basic concepts and frames and comparing cases for common patterns in the data, it is possible to determine why individual communities apply for RICD rights and the processes, institutions, and influences important to that decision process.

Research Findings

Because scholarship indicates that policy entrepreneurs are significant to policy changes and because the literature also indicates that experts may be influential in this process, this paper analyzes the role that individuals played within RICD communities to answer the research question, *What level of influence do policy entrepreneurs and experts acting as entrepreneurs have in the process of policy change in recreational water rights policy in Colorado? And further, what differences exist between experts, citizens, and policy elites in terms of entrepreneurial influence?* Within each community, interviews were conducted to ascertain the process through which the idea of applying for RICD water rights arose and the initiators of the idea. The data presented in this paper are derived from the questions asked of interview subjects, specifically the following: “How did the idea of the RICD water right come up in your community?” and “Were there certain people or groups who supported or fought for the RICD?” The concept of a policy entrepreneur was not described to interview subjects so as not to bias their responses. Instead, policy entrepreneurs were defined based upon previous policy studies, as outlined in the literature review section and were identified during data analysis by referencing these definitions. These characteristics were then used to determine if policy entrepreneurs existed in the RICD case-study communities, based on interview data. Policy entrepreneurs were defined in this study as actors who initiated RICD policy ideas and who subsequently fought for the policy within local communities. Interview subjects’ responses indicated that entrepreneurship was evident across adopter communities.

“The lead proponent of that was a council member.” [LW-05]

“The idea actually came from one of the council members.” [LG-22]

“I think the fact that it came from a citizen and not from the government directly says something.” [LR-02]

While entrepreneurial circumstances vary across communities, the individuals who promoted the idea of applying for recreational water rights fall into three primary categories, as depicted in Table 2.

These policy entrepreneurs, as suggested by the literature outlined above, come from within and outside of government and include experts in the field of water

Table 2. Categories of Initiators of RICD Idea

Community	Initiator
Golden	Expert (S) ^a
Vail	Expert (A)
Breckenridge	Expert (A)
Longmont	Expert (A)
Pueblo	Expert (A)
Gunnison	Expert (S)
Steamboat Springs	City Council and Citizens
Chaffee County	Citizens
Silverthorne	Expert (A/S)
Durango	Citizens
Avon	City Council
Carbondale	Expert (A/S)

^aExpert (S) = Expert government staff such as water managers. Expert (A) = Water attorney

RICD, recreational in-channel diversion.

rights. In Colorado, water rights matters are almost always handled by water attorneys who have expertise in the legal and statutory requirements related to water. There are also water managers within communities who are charged with supervising water infrastructure, development, supply, and the community's water portfolio. While these individuals have clear professional responsibilities to advocate for their clients' interests, in several instances there were indications that this entrepreneurship included more than simply professional advice.

For example, in six RICD communities, the water rights attorney acted as a policy entrepreneur. These individuals not only gave legal advice to their client communities, but they also advocated for the water right. This advocacy was not necessarily only based on personal ideology, but instead was advocacy based upon what the attorney deemed best for the community. That being said, there were many interviews that pointed to the overlap in personal and professional support for RICD water rights in client communities. Second, in four communities, staff of the government agency that filed the application for a water right acted as policy entrepreneurs. These actors are classified as experts because they are charged with managing water supplies and infrastructure development within their communities. Municipal water managers acted in the same manner as water attorneys. They promoted the water right because they believed it to be in the best interest of the community, but not every manager promoted such water rights. Only those managers who also believed in the RICD personally promoted it within their communities. In two additional communities, elected officials served as policy entrepreneurs. Elected officials often promoted RICDs based on their personal values as well as their hopes for promoting local economic development through tourism. Finally, in three communities, citizens promoted the idea of filing for RICD water rights. As Table 2 indicates, in three communities, a combination of actors advocated for the RICD. Based on these data, policy entrepreneurship appears to have played a central role in the process of RICD policy change. RICD water rights may not have been adopted in these Colorado communities if it were not for the presence of individuals who advocated for the policy. Additionally, it was experts in eight of the twelve RICD communities that were the entrepreneurs of RICD water rights. Beyond the importance of entrepreneurs, this paper argues that experts were the most important actors in promoting RICD policies in Colorado.

Experts, both managers and water attorneys, all served one crucial purpose. These individuals were hired to provide advice based on expertise. This advisory role of experts is where they were able to influence policy change to the greatest degree. Their skills and knowledge allowed them access to information that was not widely available or understood. This expertise allowed these individuals to capture the trust of elected officials within the adopter communities to promote policy change in favor of RICD water rights. Responses such as below were provided by several subjects.

"[Our attorney] is a tremendous visionary and . . . he's been given a tremendous amount of free-rein and he's got a Midas touch." [LW-06]

It is important to note that while city government managers and staff are considered official experts in city government, the water attorneys presented in this section are all private attorneys. In Colorado, municipal and county governments generally retain a private water attorney to exclusively handle water matters. These

attorneys provide counsel and handle water litigation and negotiations, but are not government staff. The important insight gained from these data is that experts do provide advice based upon their professional experience and the best interest of their clients. However, it is clear that many communities could have decided to apply for the RICD. It is only in those communities where the experts also held personal beliefs that supported pursuit of the RICD that this took place.

This study also used non-adopter communities, as outlined in the methods section of this paper, to understand the important actors and influences on policy change. Non-adopters are not mentioned in the above discussion because entrepreneurs were not present in any of the six non-adopter communities studied, based on data analyzed in interviews, media coverage, and documentation of the community discussions surrounding RICDs. In interviews with actors and decision makers in non-adopter communities, not a single individual was mentioned as an advocate for RICD water rights. In each community, there was an entrepreneur who promoted and advocated for the construction of the kayak course, but in the non-adopter communities these individuals did not attempt to influence policy decisions regarding water rights, nor did any other individuals. While it may seem difficult to believe that in large cities such as Denver and Boulder that entrepreneurs did not advocate for the RICD water right, consider the following facts: (1) this is a technical policy area where there was not a great deal of public discussion of RICDs, and (2) these water rights are likely more appropriate in certain communities than in others due to recreational needs and tourism as an economic driver. These two considerations are areas for further possible research into influences over RICD policy change. This paper does not argue that entrepreneurs are the only important influence over RICD policy decisions, so there may certainly be other influential variables, especially in non-adopter communities.

Expert Entrepreneur Access

It is clear from the evidence of policy change in Colorado communities that expert entrepreneurs were significant to promoting policy change. Beyond this finding, it is important to understand how these individuals gained the policy influence and access that they did. One individual was mentioned frequently across all categories of interview subjects (statewide experts, water attorneys, community decision makers, and RICD stakeholders). Glenn Porzak, the water attorney for Golden, Vail, and Breckenridge, was described as the inventor or father of RICD water rights by various interview subjects. The law firm of Porzak, Browning, and Bushong also represented the City of Steamboat Springs as well as Chaffee County in their RICD cases. Additionally, the firm consulted in three other RICD cases either formally or informally. It is important to note, however, that they declined to represent several communities that were interested in RICD water rights. Porzak was one of the primary entrepreneurs of RICD water rights in Colorado, having developed the legal arguments promoting such water rights and having litigated the first three cases, along with his legal partners. Porzak was able to wield significant influence over policy change statewide and within local communities. The City of Golden, the first RICD case, approached Porzak for advice on whether it could

qualify for a water right for its kayak course. Porzak promoted the idea himself in Vail and Breckenridge, the two communities that followed.

“Glenn Porzak suggested we get a water right . . .” [LW-06]

“We just happen to have Glenn Porzak as our town water rights attorney.” [LG-01]

Literature also calls into question the benefits that public entrepreneurs derive from their actions since they cannot erect barriers to entry to gain exclusive economic benefits from their actions. This literature suggests that public entrepreneurs may actually seek to disseminate their innovations, rather than trying to maintain control over the idea. The reputation that the Porzak firm established in RICD water rights law produced significant benefits for the firm in terms of reputation and clientele.

“There was a quote in there from some guy named Glenn Porzak and I said, ‘well, I’m going to call this guy up.’” [EL-01]

“We said, ‘hey, you guys need to hire Glenn Porzak.’” [LR-04]

“Glenn Porzak and his partners, they’re big time.” [WA-11]

“Porzak and his firm are the true champions of RICDs having done it, pioneered it. They’ve been through a lot of wars.” [WA-09]

“What they learned was that they hire Glenn Porzak because he knew what he was doing.” [LG-09]

Clearly, the data show an economic benefit is derived from entrepreneurship in this case, but since this benefit is transient and eventually competitors will emerge and these public entrepreneurs cannot capture the exclusive benefits, it seems possible that additional benefits may be necessary to convince individuals to act as public entrepreneurs. Benefits from policy entrepreneurship for Porzak and his legal partners do not only include potential economic benefits from increased legal representation of RICD communities. This is especially clear due to the fact that the firm declined to represent several communities who wanted to pursue an RICD. Psychic benefits are also among the considerations for these entrepreneurs.

“Glenn Porzak who has strong environmental leanings.” [NG-01]

“You had to be very passionate. You had to exude that passion, otherwise I don’t think we would have won.” [WA-10]

Despite the benefits, both economic and psychic, that these attorneys attained due to their policy entrepreneurship in RICD legal and policy circles, Porzak and his partners did not attempt to erect barriers to entry to retain exclusive profits from their entrepreneurship. These attorneys often shared technical knowledge about the legal process and successful strategies with other communities and other water rights attorneys. The data above show that within communities where Porzak was the water attorney of record prior to RICD interest, there was a high level of trust placed in his counsel and expertise in water rights matters. This expertise appears to have influenced at least three communities to pursue RICD water rights.

The level of trust these communities placed in Porzak suggests that experts may have a disproportionate ability to act as policy entrepreneurs based on their expertise as well as the trust that clients place in them, supporting the literature outlined above. Other communities showed the same pattern of expert influence. None of the quotations below come from clients of Porzak or his partners, but are based on the influence of other water attorneys in Colorado.

“The idea came . . . through our attorneys.” [LG-12]

“Back in 2001 . . . [our water attorney] called me to let me know that there was new legislation passed that allowed for communities to seek water rights for recreational purposes.” [LG-21]

“I think the impetus for that . . . came from our water attorney.” [LW-11]

“It probably came as much for our water attorneys’ suggestions as a way to achieve what we were trying to achieve.” [LG-18]

These data show that Porzak and his partners were not the only influential water experts in RICD matters. Experts presented in this paper have the ability to influence policy change due to the trust that clients place in them, their access to knowledge and skills, and the personal interest that they may have in these policy issues as indicated by the data outlined above. Recall that the experts presented in this paper include both city staff who may have institutionalized access to city government processes, and private water attorneys who represent government entities but are not considered government staff.

Discussion

This study analyzed the role that policy entrepreneurs played in RICD communities and the role that experts played within those communities. Data show that in each RICD community, a policy entrepreneur was present to suggest the idea of filing for an RICD water right, promote the idea within municipal government, and advocate for the idea, if necessary. With regard to experts, these data show that the entrepreneurs in eight of the RICD communities were water attorneys or experts in water management. This suggests that these experts play an influential role in policy change within their area of expertise. These individuals have lower barriers to entry into the policy process due to their expertise and the trust placed in them by decision makers, as suggested by the data presented above wherein attorneys were given a great deal of trust and latitude due to their expertise. The experts derive multiple benefits from their entrepreneurship. First, they can at times seek economic benefits from the policies they promote. Second, there can be less tangible psychic benefits for entrepreneurs such as reputation building or political influence. These actors often have personal values in connection with their professional activities that can be promoted through the adoption of public policies.

In addition to the role that these experts play in promoting policy changes, they may also play a significant role in policy diffusion or innovation (Mintrom, 1997). The data outlined in the previous section show that in many communities, it was not only a water attorney who provided the initial impetus, but also the initial information upon which the community relied in making its decision to pursue an RICD water right. These water attorneys may have provided necessary information without which the policy would not have spread or become available throughout Colorado. This information entrepreneurship may be a vital component of the expert entrepreneur’s influence and access to local government decision processes.

Based upon the data presented in this paper, Table 3 outlines the types of entrepreneurs we find in RICD policy in Colorado and the roles that they play. These categories of entrepreneurs are not new, as indicated by the referenced literature in Table 3. However, most policy entrepreneur scholarship has focused

Table 3. Policy Entrepreneurs by Category

Policy Entrepreneur Category	Characteristics and Reasons for Entrepreneurship	Related RICD Cases	Supporting Policy Literature
Citizen entrepreneur	Personally interested Possible economic interest Ideological interests Effective through group membership	Steamboat Springs Chaffee County Durango	Layzer (2002) Kingdon (1995) Baumgartner and Jones (1993)
Expert entrepreneur	Professionally interested Personally interested Access to decision makers Expertise in relevant policy area Trusted by decision makers Access to policy information Disseminator of policy information	Golden Vail Breckenridge Longmont Pueblo Gunnison Silverthorne Carbondale	Teske and Schneider (1994) Hart and Victor (1993) Kingdon (1995) Baumgartner and Jones (1993)
Elected entrepreneur	Ideologically interested Personally interested Politically knowledgeable Policy expertise Possible subject expertise	Steamboat Springs Avon	Kingdon (1995) Baumgartner and Jones (1993)

RICD, recreational in-channel diversion.

either broadly on the concept of entrepreneurs, or very narrowly on one type of entrepreneurship. Kingdon (1995) and Baumgartner and Jones (1993) provide excellent broad frameworks related to resources of entrepreneurs and their influence, and so are important to consider in any framework that attempts to define various categories of entrepreneurs. As indicated in this study, while experts were the most influential to this case, citizens and elected officials are important sources of innovation in some communities.

These entrepreneurs, whether they are citizens, experts, or elected officials, played a vital role in policy change. The trust placed in experts by their client communities made them especially influential in the RICD case.

Conclusion

Policy entrepreneurs are described in the literature as significant to policy change. This study finds that they were, indeed, important to policy change in Colorado's RICD communities. Policy entrepreneurs prove to be important influences on RICD policy across all RICD communities, supporting theoretical propositions of multiple streams framework (Kingdon, 1995) and punctuated equilibrium theory (Baumgartner & Jones, 1993). Those policy entrepreneurs with specific expertise also had extraordinary influence over the policy process. The trust placed in these individual experts may help to explain their ability to so effectively promote policy change.

Values associated with democratic governance espouse the importance of citizen involvement and transparency to policy decisions. The reality in the cases presented in this paper demonstrates that experts rather than citizens wielded the most influence. Professionals, such as attorneys and government managers, were able to influence policy matters to a much greater degree than citizens. While citizens were influential in three RICD communities, two of those only saw citizen influence when citizens formed groups and acted in concert to promote policy change (Chaffee

County and Durango). This speaks to the individual-level influence that experts are able to exert that citizens did not have in these cases. The three cases where citizens were the entrepreneurs of the policy also were the three most contentious cases of RICD discussion. In these communities, there was more media coverage (Crow, 2010) as well as more conflict. This supports the finding that expert entrepreneurs may have the ability to push through policies with which they agree to a greater extent than citizens. While RICD water rights are a technical policy area, and therefore difficult for citizens to navigate, we would expect that citizens who are interested and affected by this policy—those recreational users of the water and kayak infrastructure—would become involved in debates over the policy. We did not see this. Rather, both citizens who were opposed, as well as those who supported the RICD, were uninvolved beyond the three communities discussed above. This research study presents a picture where policy entrepreneurs were more often attorneys or government staff than citizens. These actors, however, do not act alone or have ultimate influence over policy outcomes. As with all policy research, this study speaks to one element of the process and one influential variable.

So, why should we care that these experts can influence policy change to such a degree? While it is important to recognize the benefits associated with listening to experts, it is also important for policy makers to be cognizant and wary of the level of influence that these individuals may have on community policies. Scholars tell us that these entrepreneurs may not always be motivated to increase the public welfare (P. J. King & Roberts, 1992). It is these unethical but highly influential entrepreneurs that should cause us concern for the integrity of policy making. When experts influence policy change to the degree shown in this paper, decisions are not necessarily transparent and open to public debate. It is necessary to acknowledge and account for expert influence and motivations when policy decisions are made, especially when those decisions are not open to public debate.

This research has confirmed the proposition presented by many policy scholars that entrepreneurs can be crucial to promoting policy change. Further, this research confirms that experts can be the most influential entrepreneurs in some cases. These experts can wield influence because of their access and possibly because of their roles as information entrepreneurs. This paper expands on the work that has previously been done on expert entrepreneurs (Hart & Victor, 1993; Schneider & Teske, 1992) to define several categories of expert and nonexpert entrepreneurs. These political, citizen, and expert entrepreneurs help to shape our system of governance and are therefore necessary to analyze. The model presented here provides a framework for understanding the roles of various actors, who may have different levels of influence and differing resources from which to draw. These nuances are important to understand when defining and studying policy entrepreneurs in future research.

While the data presented here are based on a small-N case-study design and therefore cannot be generalized to the universe of community policy decisions, the findings presented are important to the understanding of public policy. By presenting a model of policy entrepreneurship that defines and divides entrepreneurs based on their roles and expertise, scholars will be able to expand on this work to further investigate the role of the entrepreneur in policy change. It will now be necessary to use these findings as the basis for a larger study to determine the

relative importance of expert entrepreneurs in other policy settings and in a greater number of cases. Some important questions to investigate will involve the role of information entrepreneurship, policy learning among communities, and the possible role that entrepreneurs play in this learning and policy diffusion. One of the surprising findings from this study is that policy entrepreneurship did not come from the recreational users of the kayak courses, except in three cases. Future research should also investigate the motivations for entrepreneurship in order to understand this vexing finding. These findings could help to shape our understanding of the players and their influences over policy change and the resulting consequences for democratic governance.

Note

1 Codes for interview subjects include the following: EL = local elected official; ES = state elected official; CW = Colorado Water Conservation Board employee; CO = other state agency employee; LR = local recreation interest; WA = water attorney; LW = local water provider; WP = other water provider; ER = environmental or recreation interest; RE = recreation engineer.

About the Author

Deserai Anderson Crow is an assistant professor in the School of Journalism and Mass Communication at the University of Colorado at Boulder and associate director of the Center for Environmental Journalism.

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