

Vickers Hot Springs

Ecotopia or tragedy of the commons?

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ABSTRACT Vickers Hot Springs is located near the rural Southern California town of Ojai, and local residents have long enjoyed soaking in the sulfuric pools. But as knowledge of the springs spread, the area saw increases in fights, traffic, burglaries, and drug use. In response, two residents purchased the land and committed to restore the property while allowing limited public access, subsequently generating a great deal of controversy within the community. Privatizing Vickers Hot Springs follows the archetypical lesson of Garrett Hardin's 1968 essay, "The Tragedy of the Commons." Hardin stated that the problem for common-pool resources was that a finite amount of services are demanded by a potentially infinite number of users, who have little to gain by sacrificing for the common good. But Hardin's theory does not always apply. Many communities have come together to manage resources, often without government oversight. Thus, the question is not whether or not Hardin's theory is accurate, but rather "under what conditions it is correct and when it makes the wrong predictions." Case studies provide nuance to the broad brushstrokes of a theory, and whether Hardin's parable is applicable depends on the particularities of the common property resource conflict. Employing the frameworks established by Hardin, Dietz et al., and Ostrom, this paper examines the management of Vickers Hot Springs within its broader social, ecological, and political context, asking whether the particular circumstances of this resource use conflict made privatization the most predictable outcome.

LEARNING OUTCOMES

Students will be able to contrast Garret Hardin's "The Tragedy of the Commons" theory with counter-theories showing how common-pool resource management can be successful. They will become familiar with the specific criteria enabling successful common-pool resource management, and will see them applied to a case study. At the conclusion of the lesson, instead of supporting or refuting Hardin's theory on principle, they will be able to identify exactly why privatization or community management proved successful in a particular circumstance.

CLASSROOM TESTED? NO

INTRODUCTION

Matilija Canyon is located northwest of the rural Southern California town of Ojai, bordered by the Los Padres National Forest and bisected by a narrow two-lane road. A

20-acre parcel provides access to Vickers Hot Springs near Matilija Creek, historically a favorite soaking spot of local residents seeking relaxation and "healing" in the sulfuric pools. Beginning in the mid-2000s, word of the springs spread and visitor traffic increased. Burglaries, litter, fights, and sexual assault replaced what locals knew as a quiet, pristine, isolated experience [1]. Despite the springs being understood as under private ownership, the area was treated as a common-pool resource. Eventually, lack of monitoring by the absentee landlords, the inability to regulate user traffic, and a lack of conflict resolution mechanisms brought the situation to a head. In 2012, Gunnar Lovelace and his half brother Sean Goddard purchased the property, declaring that the mission of his nonprofit steward organization, named "Ecotopia" after the Ernest Callenbach novel, was to restore the hot springs and allow for public access. However, their efforts were plagued with a lengthy and convoluted controversy, ultimately becoming a notorious source of conflict and

suspicion within the community. While the vitriol has calmed considerably, as of 2016 access to the springs remains restricted. To attain access, visitors and locals make an online appointment and purchase a “farm tour,” with vague allusions to an eventual soak in the springs. Far from the idealized collective management model that both Ecotopia and local residents purported to support, the springs is under top-down private management with access available by purchase. Despite reservations about the ownership model, the land is widely recognized as much better cared for than it had been when it was treated as a common property resource. In this case, privatization simply worked, even while there was a desire for communal management.

The Vickers Hot Springs saga appears at first glance to support the theory Garrett Hardin set forth in his famous essay, *The Tragedy of the Commons* (1968). Hardin stated that because individuals act in their own self-interest, common-pool resources will be degraded unless under private ownership or government management. In the case of Vickers Hot Springs, Ecotopia and local residents were unable to implement a management approach that protected the springs and their users through self-regulation and open access, despite their best efforts. The question is: What went wrong? Could collective management have been possible or was privatization a predictable outcome? Through analyzing the factors that contribute to success in community management of common-pool resources per Ostrom [2, 3] and Dietz et al. [4], in this case study three critical weaknesses are identified: the inability to regulate visitor flows, a lack of community trust, and undefined property boundaries. While no circumstances are ideal, it seems as though these drawbacks sufficiently hindered any approach that would enable management by the local community while minimizing externalities to the biophysical environment and risk to visitors.

CASE EXAMINATION

Since its introduction in 1968, Garret Hardin’s “The Tragedy of the Commons” parable has become, for many, akin to scientific law [5]. It is a standard element of Introductory Environmental Studies and Science courses, with an Open Syllabus Explorer score of 93.7.¹ Hardin’s key contribution is recognizing that common property natural resources are

1. This indicates the frequency with which a particular text is taught on a 1–100 scale.

at risk of degradation [6]. Using grazing animals in a pasture as his example, he argued that self-interest will lead each individual to graze the maximum number of animals because the herder profits from overexploitation without bearing the responsibility of the environmental externalities. Thus, the story goes, to avoid exploitation, land should be either privatized or carefully managed by the government.

Since its publication, Hardin’s theory has been accused of being overly simplistic. Many groups have collectively managed common-pool resources, at smaller scales like fisheries [7, 8], rangelands [9, 10], and forests [11], and at larger scales such as atmospheric emissions [12]. Further, top-down management schemes have not always led to pro-environmental outcomes [4]. Dietz et al. propose five criteria that make successful governance of the commons easier: the ability to monitor resource use, a stable volume of users, social networks characterized by trust, the ability to exclude outsiders, and support for rule enforcement. In her widely read book, *Governing the Commons*, Ostrom outlines eight characteristics that were present in the four in-depth studies of successful incidences of common-pool resource management that she conducted [2]. The characteristics are as follows:

1. Clearly defined boundaries, with respect to users and the common property resource.
2. A clear relationship between the type of use and the capacity of the resource itself.
3. The ability of users to affect the rules governing use of the resource.
4. The ability to enforce sanctions, but in a graduated fashion: as more limits and rules are violated, penalties increase.
5. An inexpensive, accessible, and expeditious means of resolving conflicts in that area.
6. Lack of intervention by outside authorities.
7. For resources that are part of a larger system, the existence of nested layers of governance and decision-making.
8. The development of a system for monitoring the behavior of resource users.

Both Ostrom’s and Dietz et al.’s schema have their caveats. Ostrom does not state that these eight criteria are

imperative to achieve successful management, nor do they guarantee success. Dietz et al. recognize that their ideal schema is just that: ideal. Every common-pool resource conflict has its own unique characteristics and will not meet all criteria that engender successful management. The challenge is to determine if and how self-governance might be achieved under nonideal circumstances.

Ojai, Matilija Canyon, and Vickers Hot Springs

If one is to judge solely based on outcomes, the Vickers Hot Springs saga proves Hardin's theory correct. When the property was treated as a common-pool resource before being purchased by the Ecotopia partners, the characteristics users sought in the springs (solitude, natural beauty, quiet) became degraded as each user acted in their own self-interest. No collective governance scheme emerged naturally. The situation became so negative that an organization stepped in, committing to restoring the spring's desirable characteristics. Both the landowners and the community initially envisioned a model that prioritized access and empowered members of the local community. But despite the organization's nonprofit status and rhetoric, ultimately the landowners employed a relatively traditional model of private ownership and regulated access. While not all community members are satisfied with the current arrangement, it is widely recognized that the existing management of the hot springs is an improvement over the days characterized by violence and crime. The question, then, is not whether Hardin's parable proved correct—it did—but why efforts to enact an alternative management approach failed.

First, Matilija Canyon must be understood within its broader geographic context. While Ojai (population of 7,461 per the 2010 census) may appear at first glance to be an isolated rural community, it is easily accessible by residents of urbanized Southern California. It is located approximately 30 miles southeast of Santa Barbara, 20 miles north of Ventura, and 85 miles northwest of Los Angeles. The town's accessibility has led to it being promoted as tourism destination, boasting spiritual retreats, a strong artist community, and hiking in the nearby Los Padres National Forest. Before the hot springs were purchased by Ecotopia, yoga retreats would include hot spring visits in their itineraries [13]. Both Ostrom [2] and Dietz et al. [4] state that a clearly defined pool of users and a stable volume of use contribute to the ability for self-governance of common property resources. While hot springs located far from metropolitan areas face different

management challenges (i.e., Bagby Hot Springs in Oregon), Ojai's location makes controlling the volume of users challenging, if not impossible.

Ostrom also suggests that clearly defined boundaries make successful community management of a common-pool resource easier [2]. Feeny et al. define four ideal types of property rights within the broader context of common property resources: open access, private property, communal property, and state owned [5]. At Vickers, there is a discrepancy between how the property has been treated by users and its actual ownership status, in addition to uncertainty regarding whether the springs are on private or public property. Vickers Hot Springs theoretically falls into the "private property" category of property rights, wherein the owner manages the property as he or she sees fit with this right protected by the state. However, the actual status of the property is more complex. Before the transfer of ownership, it was assumed that the springs were on private land though the "property owners. . . were never around" [1]. Area residents argued that the absence of the owners contributed to the area being abused. Without active management by the property owners, it was treated as a common-pool resource with open access and was subject to many pitfalls typical to common property resources. For one, as news of the springs spread via online forums and word of mouth, the pool of users shifted from largely local residents with long-term commitments to effective management to weekend visitors with little understanding of local protocol. In the absence of community monitoring, crime, theft, and litter increased [13]. These outsiders could not be excluded, which—per the prediction of Dietz et al.—increased pressure on the resource [4]. When the previous holders of the lease were foreclosed on in 2012 [14], area residents Gunnar Lovelace and Sean Goddard purchased the land with a grand vision for a "retreat of some kind for concerts, workshops, yoga and gardens" where the springs would be protected from damage while preserving public access [1]. However, this purchase became a point of contention between the partners and the local community, evolving into a wider and wider rift.

Much of this is due to uncertainty regarding whether or not the springs are on the privately owned Ecotopia property, the adjacent Los Padres National Forest, or land owned by the Bureau of Land Management. According to the Ecotopia partners, when they purchased the land in 2012 for \$200,000, they assumed that it contained Vickers Hot Springs [15]. However, when pressed, public agencies,

namely the Ventura County Public Works department and the U.S. Forest Service, stated that while they *assumed* that the springs were on private property, they lacked accurate surveys of the property boundaries and that a new survey was not within the U.S. Forest Service budget [1]. In February 2015, the Ojai Ranger District and Los Padres National Forest supervisor seemed to contradict their previous statement about ownership, stating that the property boundaries surrounding the hot springs had, in fact, been assessed years earlier by Ranger John Bridgewater and were on public property [16]. While Ecotopia manages the land as if it were private property, the issue remains unsettled. Some state that Ecotopia has not conducted their own survey due to the \$100,000 price tag [13], while rumors on an online community forum state that the partners have, in fact, conducted another survey but have yet to release the results to the general public [17]. Still others suggest that, regardless of the actual property lines, shouldering the responsibility of managing the springs is not in the interest of an underfunded organization like the Forest Service or the Bureau of Land Management given the springs' status as an "attractive nuisance" [17].

Dietz et al. argue that effective commons governance is enabled through regular contact and interaction between users, which generates trust and dialogue [4]. The erosion of trust between the Ecotopia partners and the local community made the development of effective communal management unlikely. Initially, many community members welcomed the stewardship of the springs given the failure of the benign neglect that characterized previous management [1]. Soon after purchasing the land, Ecotopia proposed a grandiose vision that included free access for locals, a work exchange for nonlocals, camping, art installations, sustainable agriculture, and Permaculture workshops [18]. But soon thereafter, it appeared to some residents that the owners were limiting public access while creating the very problems they were professing to address. Access to the property was prevented by barbed wire and "no trespassing" signs. Cars lined the narrow road, construction began to take place, and camping and recreational vehicles were sighted on the property [1]. Rather than allow free access to the local community, the springs were formally closed to allow the site to "rest and heal" (though some residents state that the site still hosted invitation-only parties and gatherings). One canyon resident expressed concern that water table in the draught-prone area would be further depleted by agricultural development [13]. Suspicion of the owners' true

motives grew, with accusations that Goddard and Lovelace took advantage of the state's uncertainty regarding property boundaries and were instead using the site as a private recreational area for Lovelace's friends from Los Angeles [19].

The springs became increasingly divisive within the community, exacerbated by ever-evolving approaches to management. After purchasing, Ecotopia closed the springs for six months to let the site "rest" and "show gratitude" [1]. However, some community members made accusations that this resting period circumvented the public's right to access via eminent domain [20]. In the summer of 2013, "community stewardship days" were widely advertised [21]. Despite the springs being closed, volunteers built trails, cleared trash, and engaged in other activities. In late August 2013, a "new phase of stewardship" was announced, wherein participants could access the springs by contributing time or money, with an invitation to a community meeting to "assist us in creating a strategic plan for the development and use of this community resource" [21]. The springs remained closed, with a commitment to reopen in March 2014. This was delayed until May 2014, with Lovelace citing rain, permitting issues, and problems with the group's nonprofit status filing [22]. Due in part to complaints by area residents, in June 2014 the California Department of Fish and Wildlife stopped construction on the site due to insufficient permitting. In February 2015, Ecotopia announced that the springs remained closed, but that they had begun a Community Supported Agriculture (CSA) program and "energy exchange" which would allow access to the property for \$20 for out-of-town residents and \$15 for locals [23]. This model remains in place today, though the Ecotopia website is vague about what a farm visit will include, with no mention of the springs [24]. Ultimately, the lifestyle, rhetoric, and apparent contradiction between words and deeds on the part of the owners intersected with the uncertainties surrounding ownership. This was exemplified by a post on an online forum: "I put a fence up around my neighbors back yard and cleaned up all the dog poop, then put in a special pool with special water and a statue of a Buddha. Now I'm a guru and I charge people 25 bucks to come and get enlightened. My neighbor is pissed at me (and) I can't figure out what is his problem?" [25]. But since late 2015, if one wants to visit, they simply book an appointment online, pay \$15, and are allowed two hours of soaking in a clean, family-friendly, clothing-optional environment. The community vitriol has largely calmed down. Some argue

that the present lack of controversy is due to the vast improvement in the management of the site (especially when compared to when it was treated as a common-pool resource) paired with the relatively low access cost [13]. Others argue that community members who support public access have simply given up [26]. And others cite a lack of alternative management frameworks. Said one area resident, “It’s easy to find fault with this (and perhaps any) project. The more difficult question is: if Gunnar’s model is off, what would be a more acceptable one?” [27]. It appears that this latter question remains unanswered.

The tragic commons

In this case study, Hardin’s parable held true despite the efforts of both community members and the property owners. The owners, having attempted other management models, ultimately treated the springs as any private owner might by regulating access and charging user fees. But while Hardin’s parable may have proved correct, the frameworks of Dietz et al. and Ostrom allow us to understand why. In this particular case study, three major criteria were working against collective common property management: an inability to control the volume of the user base, uncertainty regarding the boundaries of the common-pool resource, and an overall lack of trust. This arrangement is not the only possible outcome when conflicts arise with respect to hot spring management. For example, Bagby Hot Springs east of Portland, Oregon, has long been co-managed by the volunteer group “Friends of Bagby Hot Springs,” the U.S. Forest Service, and the Northwest Forest Conservancy [28]. But as user numbers increase, the area has been plagued by the same types of problems (crime, litter) as did Vickers Hot Springs [29]. While the Forest Service is considering commercial operation, no change has been made as of yet. Regardless, the individual circumstances of the common-pool resources must be evaluated in their own right to determine the appropriate approach to management.

The current managers of Vickers Hot Springs named their company Ecotopia in reference to the Ernest Callenbach novel where the residents live in perfect harmony with nature [30]. But in the novel, Ecotopia was explicitly a utopian society, and the term utopia is derived from the Greek word for “no place.” In Matilija Canyon, contrasting visions of utopia, combined with outside factors, kept Vickers Hot Springs from becoming Ecotopia. What is left is a place with its own story, its own ecological, economic, social,

and cultural context, which must be approached within the context of its situatedness.

CASE STUDY QUESTIONS

1. In what ways did the ownership of Vickers Hot Springs come in conflict with the four ideal property types outlined by Feeny et al.? How did this contribute to disagreements surrounding how the property should be managed?
2. Local residents of Ojai, despite their dissatisfaction regarding Ecotopia’s management, were unable to propose or implement an alternative management plan. Imagine you are a member of a community group who supports open access to Vickers Hot Springs, and develop a proposal for community management. How would you allow for public use, protection of the resource, and minimization of externalities? If possible, use examples of similar case studies that were successful.
3. Find another case study that involves conflict over a common property resource. Using the criteria established by Ostrom and Dietz et al., determine what type of ownership and management would best enable stewardship of the resource.

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The author is responsible for the conception of the work, the analysis and interpretation, and drafting of the article.

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