

TO: Mrs. Clinton

FROM: MaryEllen McGuire

RE: **Government Sponsored Programs as they relate to
Environmental Education and Environmental Service**

DATE: January 28, 2000

Environmental Education Grants

The EPA's Office of Environmental Education sponsors a grant program to help fund projects that enhance the public's awareness, knowledge, and skills to make informed decisions as they affect the quality of our environment. Since 1992, the EPA has allocated \$2-\$3 million per year in education grants to states, awarding approximately 1,700 grants. Attached is a listing of past grant recipients from New York which may prove useful in planning environmental events.

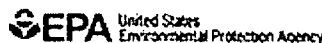
President's Environmental Youth Awards

Since 1971, the EPA has sponsored the President's Environmental Youth Awards (PEYA) program. This program acknowledges and awards young people across America for projects which demonstrate their commitment to the environment. The program encourages young people as individuals or groups [school classes, youth organizations, etc.], to promote environmental awareness and involvement in local communities. The PEYA program has two parts. Its Regional Certificate Program is awarded by EPA's ten regional offices year round. Its National Awards Competition annually recognizes one outstanding project from each of the ten EPA regional offices.

An example of past winners include the "M.O.P.P. It Up Motor Oil Prevention Program" in Portland, Maine. By surveying motorists, service stations and their local American Automobile Association, members of an honors earth science class discovered that people in their community were unaware that used motor oil could be recycled and that the oil, if not disposed of properly, could pollute groundwater. Through posters, op-eds and a PSA on their local television station, the students conducted a campaign to inform drivers about the potential for motor oil recycling and directed them to their local recycling stations.

AmeriCorps Environmentally Based Service Projects

The Americorps National Civilian Community Corps sponsors a number of environmental service projects across the nation. Attached is a listing of environmental projects specific to New York and a listing of AmeriCorps' environmental accomplishments nationwide.



environmental education

grant program

HOME

GRANT
PROGRAMEDUCATOR
TRAININGSTUDENT
OPPORTUNITIESADVISORY GROUPS
& PARTNERSHIPSRECOGNITION
PROGRAMS

RESOURCES

The Grant Program sponsored by EPA's Office of Environmental Education supports environmental education projects that enhance the public's awareness, knowledge, and skills to make informed decisions that affect environmental quality. Since 1992, EPA has received between \$2 and \$3 million in grant funding per year and has awarded about 1,700 grants.

Grants of \$25,000 or less are awarded in EPA's ten regional offices, and grants of more than \$25,000 are awarded at EPA Headquarters in Washington, D.C.

Applying for a grant — Each year EPA's Office of Environmental Education releases a Solicitation Notice in the Federal Register that provides instructions for obtaining a grant. **Fiscal Year 2000 Solicitation Notice.**

* **Descriptions and locations of grants awarded nationwide** — Click here to view environmental education grants awarded by the EPA since 1992. *See attached*

→ **Tips for developing successful grant applications** — EPA's Office of Environmental Education has developed some tips that will help you write a better application. Developed by EPA Region 5 and Purdue University, a **tutorial** for writing grants also is available on line.

Other EPA grant programs that may include environmental education — There are many opportunities for obtaining grants offered by EPA. This site lists those programs.

To request additional information about the grant program, please call 202-260-8619.



Fact Sheet about EPA's Grant Program
[PDF 116K]



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U.S. EPA Office of Environmental Education

New York State Grant Winners- Environmental Education Grant Program

1992

American Lung Association, Albany
Bolton Central School, Bolton Landing
Brooklyn Center for the Urban Environment, Brooklyn
City of Rye, Rye
Cornell Cooperative Extension, Canadaigua
County of Madison, Wampsville
Greenbelt Conservancy, Inc., Staten Island
Network for Social Justice, New York
Ontario Soil and Water Conservation District, Canadaigua
Port Washington Union Free School District, Port Washington
Research Foundation of SUNY, Albany
Syracuse University, Syracuse
Teatown Lake Reservation, Ossining
Ticonderoga Central School District, Ticonderoga
Town of Cheektowaga, Cheektowaga
TST Board of Cooperative Educational Services, Ithaca

1993

Citizens Committee for New York City, Inc., New York (Headquarters)
Audubon Society of New York State, Inc., Selkirk
Brooklyn Botanical Garden, Brooklyn
Brooklyn Center for the Urban Environment, Brooklyn
Central Park Conservancy, New York
City of New York, Department of Parks and Recreation, New York
Columbia-Greene Community College, Hudson
Community School District 4, New York
Cortland Enlarged School District, Cortland
Friends of the Buffalo River, Inc., Buffalo
Henry Street Settlement, New York
Hunters Point Community Development Corporation, Long Island City
Keuka Lake Foundation, Inc., Hammondsport
Madison County Soil and Water District, Morrisville
New Paltz Central School District, New Paltz
Oneida Indian Nation of New York, Canastota
Port Washington Union Free School District, Port Washington
Red Hook Central School District, Red Hook
Research Foundation of the State University of New York, Geneseo
Saratoga-Warren Board of Cooperative Educational Services, Saratoga Springs
Starflower Experiences, Inc., Jericho
Theodore Roosevelt Sanctuary, Inc., Oyster Bay

1994

Educational Broadcasting Corporation, New York (Headquarters)

American Lung Association of Nassau - Suffolk, Hauppauge
Bronx High School Science Foundation, Inc., Bronx
Brooklyn Botanical Garden, Brooklyn
City of New York Department of Parks and Recreation, New York
Cornell Cooperative Extension, Thiells
Cornell University, Ithaca
Friends of the Anderson Program, Inc., New York
Hudson River Sloop Clearwater, Inc., Poughkeepsie
Niagara Falls City School District, Niagara Falls
NYC Board of Education, Community School District 19, Brooklyn
NYC Board of Education, Community School District 75, Hollis
Okeanos Ocean Research Foundation, Inc., Hampton Bays
Orleans-Niagara Board of Cooperative Education Services, Medina
Public Policy and Education Fund of NY, Albany
Rome Teacher Resource Center, Rome
Wave Hill, Inc., Bronx
Earth Day New York, New York (Headquarters)

1995

The Catskill Center for Conservation and Development, Arkville
Central Park Conservancy, New York
Chenango County Environmental Management Council, New York
Citizens Committee for New York City, Inc., New York (Headquarters)
City of Syracuse, Syracuse
Cornell Cooperative Extension of Suffolk County, Riverhead
Dutchess County Cornell Cooperative Extension, Millbrook
Genesee Valley Board of Cooperative Educational Services, Mt. Morris
Hudson River Sloop Clearwater, Inc., Poughkeepsie
Institute for Economic Growth, Local Development Corporation, Northport
Long Island Pine Barrens Society, Manorville
Montgomery County Water Quality Committee, Fultonville
Museum of the Hudson Highlands, Cornwall-on-Hudson
New York City High School for Environmental Studies, New York
New York City High School for Environmental Studies, New York
Northeast Sustainable Energy Association, New York
Patchogue-Medford School District, Patchogue
Schoharie County Soil and Water Conservation District, Cobleskill
Theodore Roosevelt Sanctuary, Oyster Bay
Ulster County Board of Cooperative Educational Services, New Paltz
Village of Williamsville, Williamsville
Warren County Soil and Water Conservation District, Warrensburg

1996

Beaver Lake Nature Center, Baldwinsville
Boys Harbor, Inc., New York
Brooklyn Center for the Urban Environment, Brooklyn

Cayuga Nature Center, Ithaca
Columbus Elementary School, New Rochelle
Dutchess Community College, Poughkeepsie
Homer Central School, Homer
Madison County Soil and Water Conservation District, Morrisville
Phipps Community Development Corporation, New York
Schenectady County Community College, Schenectady
Schoharie County School Soil and Water Conservation District, Cobleskill
Shoreham-Wading River Central School District, Shoreham
St. Regis Mohawk Tribe, Hogansburg
Theodore Roosevelt Sanctuary, Oyster Bay

1997

Cities in Schools, Brooklyn
City Parks Foundation, New York
Community Environmental Center, Long Island City
Cornell Cooperative Extension of Warren County, Warrensburg
Council on the Environment, Inc., New York
High School for Environmental Studies, New York
Institute of Ecosystem Studies, Millbrook
Jewish Community Center of Staten Island, Inc., Staten Island
Lake George Association, Lake George
Nunataks, Scarsdale
Putnam/Northern Westchester Board of Cooperative Educational Services, Yorktown Heights
Roger Tory Peterson Institute of Natural History, Jamestown
Seneca Nation of Indians, Salamanca
State University of New York (SUNY) at Morrisville, Morrisville
Surprise Lake Camp, New York

1998

Brooklyn Center for the Urban Environment Inc., Brooklyn
Centers for Nature Education, Inc., Marcellus
Citizens Committee for New York City, New York
County of Westchester, White Plains
Environmental Action Coalition, New York
Hobart & William Smith Colleges, Geneva
Hudson Valley Materials Exchange, Inc., Milton
Long Island Traditions Inc., Baldwin
Niagara Aquarium Foundation, Niagara Falls
The River Project, New York
Shenendehowa School District, Clifton Park
Theodore Roosevelt Sanctuary, Inc., Oyster Bay
Wildlife Conservation Society, Bronx

1999

Boquet River Association, Elizabethtown

Brockport Central School District, Brockport
Brooklyn Botanic Garden, Brooklyn
City of New York Parks and Recreation, Bronx
City Parks Foundation, New York
Cornell Cooperative Extension of St. Lawrence County, Canton
Educational Broadcasting Corporation, New York (Headquarters)
Institute of Economic Growth, Northport
Mahopac Central School District
Mohonk Preserve, New Paltz
Pace University, Pleasantville
Seneca Park Zoo Society, Rochester (Headquarters)
St. Regis Mohawk Tribe, Hogansburg
Wildlife Conservation Society of New York, The New York Aquarium, Bronx

• when you go to state by state winners you can actually click on a particular community and find out more about their program. may be interesting when planning events.



Youth Awards

President's Environmental Youth Awards

Introduction

Since 1971, the U.S. Environmental Protection Agency (EPA) has sponsored the President's Environmental Youth Awards (PEYA) program which recognizes young people across America for projects which demonstrate their commitment to the environment. Young people in all fifty states and U.S. territories are invited to participate annually in the PEYA program, which offers youth, individually and collectively, an opportunity to become an environmental force within their communities. The program encourages individuals, school classes, schools, summer camps, public interest groups, and youth organizations to promote local environmental awareness and to channel this awareness into positive community involvement. The PEYA program has two components: the regional certificate program and the national awards competition.



Regional Certificate Program

Regional certificates are awarded by EPA's ten regional offices year round. Therefore, applications may be submitted to the regional offices at any time throughout the year. All participants in the regional certification program receive certificates signed by the President of the United States honoring them for their efforts in environmental protection.

National Awards Competition

One outstanding project from each of the ten EPA regional offices is selected for national recognition. National individual project winners, or one representative from a national award-winning group project, along with one project sponsor, are honored by EPA Headquarters in Washington, D.C.

Judging Criteria

Regional award panels judge environmental projects based on several factors. These factors include the environmental need for the project, the project's ability to reach its goals, the long-term environmental benefits of the project, the positive environmental impact on the local community, and the extent to which the project was designed, coordinated, and implemented due to youth initiative in the project.

Role of the Sponsor

Each project must have an adult sponsor who plays an important role in helping a young person or groups of young people carry out their projects and apply for the awards. The sponsor can be a teacher, youth group advisor, summer camp counselor, or community leader. Young people must work closely with the sponsor throughout the project and application process.

Application Deadline

Applications for the regional certificate program may be sent to the EPA regional office where the project is located at any time throughout the year. To participate in the annual national awards competition, projects must be completed and applications must be postmarked by July 31st of the award year. All applications must be mailed to the appropriate EPA regional office. Contact the regional office that represents your community for an application or more information about the program.

Examples of Past Winners

1995 Winner

Deering High School

Earth Science Class, Portland, Maine

Motor Oil Pollution Prevention: "M.O.P.P. It Up"

By surveying motorists, service stations, car rental agencies, and the local American Automobile Association, members of an honors earth science class discovered that people in their community were unaware that used motor oil could be recycled, and that the oil, if not disposed of properly, could harm nearby groundwater. The students conducted a campaign to inform drivers about the potential for motor oil pollution and locations where used oil could be recycled. They also developed and produced posters and brochures, wrote articles for the local news media, and created a public service announcement for television. Local businesses partnered with the students by accepting the used motor oil for recycling.



1996 Winner

Becker Elementary School

The Green Classroom, Austin, Texas

S.E.A.R.C.H. for TASS Keys

Four hundred third and fourth graders used a hands-on approach to learn about preserving the environment while boosting their scores on the Texas Assessment of Academic Skills (TASS) test. With assistance from Austin Foresters, the students conducted a neighborhood tree census by sending out student-prepared "report cards" on the tallest and shortest neighborhood trees and those with the largest or smallest circumference. The students also studied the water quality of Bouldin Creek, gathering and analyzing data on soil quality, energy conservation, and community water use. The students were tested about their assignments with questions to measure TASS competency. The results demonstrated that science, reading, mathematics, and other academic standards can be advanced in tandem with environmental education efforts.



1997 Winner

Patrick Bennett

Soldotna, Alaska

Caring for the Kenai River: A Computer Program

As a high school freshman, Patrick Bennett designed a Kenai River multi-media computer program and a World Wide Web page so the public can learn more about the Kenai River and understand how to use its resources in a sustainable way. Located in South-Central Alaska, the Kenai Peninsula is home to a vast array of ecosystems and animal species. Important to the peninsula's economy is both fishing and tourism. The program contains information for tourists and Alaskans on the challenges and benefits that are associated with the Kenai Peninsula's fishing and tourist economy and their impact on the Kenai River. The program was developed for the Kenai River, but much of the information also applies to the nation's other rivers and watersheds. Access this program at <<http://www.kpbsd.k12.ak.us/ss/quest/student/kenai.html>>.



EPA Regional Offices

EPA REGION 1

JFK Federal Building
Boston, MA 02203
(617) 565-9447 or FAX: (617) 565-3415
*Connecticut, Massachusetts, Maine, New
Hampshire, Rhode Island, Vermont*

EPA REGION 2

290 Broadway
New York, NY 10007
(212) 637-3678 or FAX: (212) 637-4445
*New Jersey, New York, Puerto Rico, Virgin
Islands*

EPA REGION 3

841 Chestnut Street
Philadelphia, PA 19107
(215) 566-5527 or FAX: (215) 566-5102
*Delaware, Maryland, Pennsylvania,
Virginia, West Virginia, District of Columbia*

EPA REGION 4

61 Forsyth Street, SW
Atlanta, GA 30303
(404) 562-8314 or FAX: (404) 562-8335
*Alabama, Florida, Georgia, Kentucky,
Mississippi, North Carolina, South Carolina,
Tennessee*

EPA REGION 5

77 West Jackson Boulevard (P1-195)
Chicago, IL 60604
(312) 353-5789 or FAX: (312) 353-1155
*Illinois, Indiana, Michigan, Minnesota,
Ohio, Wisconsin*

EPA REGION 6

1445 Ross Avenue
Dallas, TX 75202-2733
(214) 655-7185 or FAX: (214) 655-2118
*Arkansas, Louisiana, New Mexico,
Oklahoma, Texas*

EPA REGION 7

726 Minnesota Avenue
Kansas City, KS 66101
(913) 551-7003 or FAX: (913) 552-7066
Iowa, Kansas, Missouri, Nebraska

EPA REGION 8

One Denver Place
999 18th Street
Denver, CO 80202-2405
(303) 312-6605 or FAX: (303) 312-6961
*Colorado, Montana, North Dakota, South
Dakota, Utah, Wyoming*

EPA REGION 9

75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1166 or FAX: (415) 744-1072
*Arizona, California, Hawaii, Nevada,
American Samoa, Guam, Commonwealth of
Northern Mariana Islands*

EPA REGION 10

1200 Sixth Avenue
Seattle, WA 98101
(206) 553-1207 or 1 (800) 424-4EPA
FAX: (206) 553-1809
Alaska, Idaho, Oregon, Washington



For additional information, visit the World Wide Web at
<http://www.epa.gov/enviroed>

AMERICORPS* NATIONAL CIVILIAN COMMUNITY CORPS

Environmental Service Projects

Fiscal Year 1999, October 1998 - September 1999

City	Sponsoring Organization	Project Dates	Project Description
Alabama			
Fairhope	Weeks Bay National Estuarine Research Reserve	2/19/99 - 3/24/99	Renovated hiking trail; planted trees; reduced fuels through prescribed burns; restored stream banks.
Mobile	Boys and Girls Club of South Alabama	4/26/99 - 5/21/99	Repaired facilities and restore camp grounds for children's summer camp.
Arizona			
Green Valley	Natural Resources Conservation Service	2/11/99 - 2/28/99	Removed the invasive Sweet Resin Bush from 3-4 acres of the Santa Rita Experimental Range.
Tucson	National Park Service, Saguaro National Park	3/1/99 - 3/26/99	Repaired 3 miles of constructed fire line; repaired existing trail by installing water bars and other trail erosion control measures.
Arkansas			
Roland	Arkansas Dept. of Parks and Tourism/Pinnacle Mtn. State Park	1/11/99 - 3/3/99	Established and improved hiking trails; installed erosion control measures; repair camp facilities.
California			
Carmel Valley	Monterey Peninsula Regional Park District	4/7/99 - 4/27/99	Constructed a 3.5 mile long public access trail within an environmentally sensitive habitat.
Corona	Cleveland National Forest, Trabuco Ranger District	4/10/99 - 4/29/99	Constructed retaining walls and fire line; removed hazardous fuels; painted facilities; performed minor roofing; worked with fire mitigation teams; repaired fences and water bars.
Encinitas	The Quail Botanical Garden	11/9/98 - 3/26/99	Created new educational exhibits, including a native American village and ethnobotanical trail; restored two native habitat areas; rehabilitated the facility's buildings.

City	Sponsoring Organization	Project Dates	Project Description
Massachusetts			
Lincoln	Enhancing Environmental Education Programs	3/22/99 - 5/7/99	Supported and conducted organic farming and environmental education program.
Minnesota			
Grand Marais	Plymouth Christian Youth Centers	3/27/99 - 5/15/99	Completed construction of recreation facilities; removed overgrowth; prepared site for and work with youth groups visiting the camp.
Nebraska			
Nebraska City	National Arbor Day Foundation	3/22/99 - 5/14/99	Stabilized, restored, and repaired stream banks as part of an environmental demonstration site.
Ponca	Nebraska Game & Parks/Ponca State Park	6/21/99 - 7/23/99	Replaced shingles on two historic CCC era houses; assisted preparation of recreational rivers research and education center; participated in fisheries habitat improvement project.
Nevada			
Las Vegas	Clark County Parks and Recreation Department	6/1/99 - 6/30/99	Assisted with efforts to reverse erosion and reconstruct wetlands; assisted volunteers with soil preparation, tree planting, trail construction, and wildlife habitat restoration.
New Mexico			
Bernalillo	Department of Natural Resources	4/7/99 - 4/23/99	Fenced off rivers from cattle to prevent overgrazing; assisted in rangeland wildlife habitat improvement program.
Winston	Bureau of Land Management and the U.S. Forest Service	10/26/98 - 12/8/98	Constructed and repaired trails; improved the natural habitat for wildlife.
New York			
Cold Spring Harbor	The Nature Conservancy, Long Island Chapter	3/15/99 - 4/16/99	Removed invasive non-native species and maintain nature trails.
Mt. Kisco	The Nature Conservancy- Lower Hudson	4/19/99 - 4/30/99	Repaired trails; installed waterbars; built bog bridges for environmental restoration program.
Poughkeepsie	Scenic Hudson, Inc.	1/18/99 - 5/16/99	Initiated outreach program and help coordinate the Great River Sweep, a planned clean up of the Hudson River by over 2,000 volunteers at 80 sites in 54 communities.

NATIONAL**AMERICORPS*NATIONAL CIVILIAN COMMUNITY CORPS****ENVIRONMENTAL SERVICE PROJECT ACCOMPLISHMENTS
FOR PROJECTS COMPLETED 1/1/98 THROUGH 9/30/99**

No. of Projects Reporting This Accomplishment	Total	Accomplishment Description
42	355	Miles of new hiking trails constructed
81	317	Miles of existing hiking trail restored
10	37	Miles of trails closed or covered over
24	54	Footbridges built or repaired
21	1,388	Water bars installed in hiking trails
25	1,234	Stone or wooden steps built into steep slopes
41	179,737	Feet of fencing built or repaired
28	176,557	Feet of fencing removed
13	3,237	Feet of irrigation systems constructed
6	3,735	Feet of Irrigation systems repaired or restored
10	3,434	Feet of boardwalks built or repaired
1	160	Feet of boardwalk removed
21	13,094	Feet of erosion controlling walls built or repaired
4	6,140	Feet of streambeds or riverbeds restored
11	34,483	Feet of streambanks or riverbanks restored or protected
4	11,260	Feet of coastal shoreline restored or protected
5	20	Acres of dunes preserved
58	416,999	Pounds of debris or trash removed
40	204,405	Pounds of exotic vegetation removed
33	95,480	Pounds of underbrush removed
69	7,014	Acres of land cleared of unwanted brush or exotic vegetation
29	300	Acres of landscaping completed
44	37,589	New trees or shrubs planted
20	30,005	Seedlings planted
18	14,077	Trees or shrubs transplanted
21	107,196	Trees or shrubs tended or cared for
42	72,442	Trees or shrubs removed
10	30	Parks restored or refurbished
10	87	Campsites built or refurbished

AMERICORPS*NATIONAL CIVILIAN COMMUNITY CORPS**ENVIRONMENTAL SERVICE PROJECT ACCOMPLISHMENTS****FOR PROJECTS COMPLETED 1/1/98 THROUGH 9/30/99**

No. of Projects Reporting This Accomplishment	Total	Accomplishment Description
10	54	Picnic sites built or restored
9	21	Structures or facilities demolished or removed
7	8	Parking lots built or refurbished
14	14	Environmental education facilities built or repaired
13	45	Environmental education programs conducted
12	2,001	People in environmental education programs
1	1	Recycling programs started or expanded
1	4	Volunteers participating in recycling program
10	18	Observation decks or scenic overlooks built or repaired
5	12	Visitor centers built or repaired
16	3,367	Acres of wildlife habitats restored or protected
8	298	Wildlife species protected or assisted
2	37	Wild animals or birds protected or assisted
13	595	Acres of land burned in prescribed burns
2	64	Regional maps entered into computer systems
26	839	Informative signs built, painted, or installed
4	22	Ramps built or restored for physically challenged people

TO: The First Lady
FROM: MaryEllen McGuire
RE: **Civic Environmentalism**
DATE: January 28, 2000

Over the last ten years, a new model of environmental governance has emerged - *civic environmentalism*. Civic environmentalism is the synthesis of enduring national consensus about nurturing our environment and the desire of communities and regions to solve their own problems, their own ways. It is a clear departure from first generation environmental policies that have tended to impose top-down, prescriptive solutions to address environmental problems independent of regional circumstances. Civic environmentalism is the cornerstone of a second generation of environmental stewardship that redefines responsibilities among levels of government, thrives on innovative problem solving in the private and public sectors and harnesses market forces to drive better environmental performance. It is not meant to supplant the traditional federal command-and-control regulatory approach, but has proved valuable in resolving problems not easily dealt with by blunt federal regulatory power.

The essence of civic environmentalism is public participation- encouraging individuals and organizations to become active and creative partners in environmental improvement. "Civic" emphasizes a commitment to engage citizens. Too often modern public policy treats people as if they are merely consumers or clients. Policy that fails to recognize and build upon public-spiritedness and community involvement deprives itself of a valuable and dynamic resource. Civic environmentalism captures the energy of individuals and interest groups, gives them a say in decision-making and encourages them to recognize their civic duty. The trick is to encourage this involvement without undermining the strong and protective guarantees provided by landmark federal environmental statutes.

Federal environmental statutes have two critical features: they are fragmented, each addressing an individual species, pollutant or form of pollution and all backed by different constellations of interest groups; and they are top-down, trying to provide uniform national standards to environmental problems without taking local needs and interests into account. Today, new environmental challenges have emerged that are not well served by a top-bottom approach. For instance, federal regulation is not very effective in dealing with nonpoint sources of pollution [the thousands of everyday acts by which "we" pollute our own environments- farmers overfertilizing, homeowners and small businesses not properly disposing of household chemicals, etc]. To deal with this problem, localities may resort to public education, technical assistance, increased taxes or voluntary government programs [i.e. recycling]. These types of programs, while they need not be nationwide, are most effective when customized to fit local conditions and have gotten local stakeholders to "buy into" programs.

Ecosystem management also requires a departure from the traditional, top-down system. The scope, complexity and uncertainty of an ecosystem's reach makes it essential for fragmented

agencies to work closely with each other and with policymakers. Useful tools in ecosystem preservation are economic incentives to comply with environmental regulations [i.e. tax breaks], technical assistance [consulting on how to better use natural resources] and public education- all tailored to local conditions.

The common thread in these, and most other many modern day environmental problems, is the role of individual land use decisions and the interplay of public objectives with private property rights. The more people come to realize that the real enemy to our environment is “us,” the more they are inclined to acknowledge their own part in the problem and take responsibility to act. If individuals, localities and individual organizations are all asked to take part in a process of solving local problems and clearly have incentive to do so, they are more likely to “buy into” solutions and curb their actions accordingly.

To reiterate, civic environmentalism does not displace federally imposed standards and objectives so much as it compliments them. Not all-environmental issues are amenable to local, civic change. Many, such as acid rain and global warming, require a blend of local, national and international approaches. The federal government is also particularly effective when applying federal statutes to sources of point pollution [i.e. fining or shutting down factories identified as spoiling groundwater]. The federal government can help locally by providing top-down support in the form of information, expertise and small grants. They can also act as a catalyst for civic engagement and evaluate local projects. Most importantly, the Federal Government can continue to provide a legal and regulatory framework to back up local initiatives as they strive to restore their communities.

Attached to this briefing is a PPI report that looks at successful cases of civic environmentalism. Among them are:

- The Chesapeake Bay Program which leverages the goals and authorities of the Clean Water Act to stimulate local land use measures outside of the Act’s jurisdiction as a means to reduce the flow of pollutants into the Bay.
- The Sandhills Safe Harbor program in North Carolina in which local landowners voluntarily participate in long-term plans to conserve habitat for red-cockaded woodpeckers in lieu of federal prescription that otherwise would be required under the Endangered Species Act. And,
- City leaders in Wichita, Kansas who used the liability provisions of the federal Superfund law to catalyze a local solution to the Gilbert-Mosley Brownfield site, thus avoiding a lengthy and litigious federal clean-up plan.

Each of these case studies can act as a model for other communities across the nation, who wish to apply the principles of civic environmentalism to their communities.



Civic Environmentalism in Action

Introduction

In the environmental field, one hears a lot about what fails and what breeds mistrust. One hears much less about what succeeds and what circumstances foster meaningful cooperation and responsible action. This report focuses on success. It describes five important environmental success stories, each of which contains lessons about what works and how collaborations involving citizens; property owners; environmental action groups; and local, state, and federal agencies can solve difficult and diffuse problems of natural resource use and improve environmental quality in the process.

Although each of these stories is different, they all share a spirit of innovation and cooperation. None is the product of a single agency or leader. All of them call upon the intellectual and material resources of diverse interests and organizations. We call this type of creative and dynamic policy activity **civic environmentalism**.¹

Civic environmentalism is the synthesis of the deep and enduring national consensus about the environment and the desire of communities and regions to solve their own problems in their own way. It is a clear departure from the first generation of national environmental policies that have tended to impose top-down and prescriptive solutions to address one problem at a time, independent of the circumstances in a particular place. For yesterday's pollution problems, the first generation policies worked (and continue to work albeit with diminishing efficiency), but the more complex and often diffuse environmental problems of today demand new tools of engagement. Civic environmentalism is a cornerstone of a second generation of environmental stewardship that redefines responsibilities among levels of government, yet roundly rejects national divestiture in environmental matters; thrives on innovative problem-solving in the private and public sectors; and harnesses market forces to drive better environmental performance.

Civic environmentalism shares the broad goals of the environmental movement--to improve the quality of the air, water, and land, and to protect human health and species diversity. The word "civic" emphasizes its particular commitment to engaging citizens. Too much of modern public policy treats people as if they were merely consumers or clients. But Americans are more than that. They have a strong public concern. They take an active interest in the well-being of their neighborhoods, communities, and nation. Policy that fails to recognize and build upon such public-spiritedness deprives itself of a valuable and dynamic resource.

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

Because civic environmentalism is quintessentially a local activity, the trick is to encourage it without undermining the strong protective fundament provided by the landmark federal environmental statutes. Civic environmentalism offers a principle for coping with this dilemma. It recognizes that the geography of environmental problems rarely meshes with existing political boundaries. But it does not use this lack of fit as an excuse to shove decision-making up too high or bring it down too low. Instead, it recognizes that place-based environmental problems will often require individualized institutional designs enlisting the various affected jurisdictions in a manner that enables each to make the most useful possible contribution. It strikes a new balance between national standards and local solutions.

To achieve the requisite blend of local, state, and federal power requires that the debate about policy decentralization move beyond the caricatures fostered by ideological camps. The Right often sounds as if federal environmental standards and regulations exist solely to deprive private firms and property owners of their liberty. The Left often seems to imply that all attempts to devolve environmental policy-making authority are merely pretenses for environmental degradation. In truth, there is no magic wand capable of wiping away all the legitimate sources of conflict and resentment which these caricatures exploit. States and localities will always have some cause to chafe at what they consider to be excessive federal intrusion. The national government will always have some grounds for thinking that state and local governments do not fully see "the big picture." The marriage between the levels of government will never be a love match, but as our studies illustrate, it can become a stable and productive union with civic environmentalism as its valuable progeny.

Civic environmentalism addresses a raft of problems that the command-and-control mode of centrally imposed regulations has failed to adequately cope with and for which more flexible and collaborative solutions must be found. Among others, these include: non-point sources of water pollution, habitat protection, and the redevelopment of toxic waste sites. The common thread of these problems is the important role of land-use decisions and the interplay of public objectives with private property rights. As other problems which have been successfully addressed by federal environmental laws become less severe, these issues come increasingly to the fore. The Clean Water Act, for example, has been relatively successful at forcing "point sources"--paper mills, power plants, and the like--to reduce discharges. Non-point sources now form a growing percentage of the water pollution problem.

But "non-point sources" is just a euphemism for "us." It is the sum total of the wide variety of often small-scale activities that cause pollutants to run off the land and into the water. For the federal government to try to force compliance from the small farmers, suburban gardeners, and small businessmen who constitute non-point sources would be the public policy equivalent of herding cats. As the Chesapeake Bay Program shows, for example, the more that citizens recognize that "the

enemy is us," the more they are inclined to acknowledge their own part in the problem. They pierce the veil of abstraction attached to a fancy term like "non-point source" and start to think about how they might reduce their own use of lawn chemicals and encourage their neighbors to do the same. Furthermore, they come to see themselves as pollution fighters in much the same vein that the community policing movement has encouraged ordinary citizens to think of themselves as crime fighters. Personal responsibility, civic education, and mutual vigilance replace coercion from afar as the bases for community improvement.

The essence of civic environmentalism is public participation, encouraging individuals and organizations to become active and creative partners in environmental improvement. But meaningful participation does not come free of charge. The price of involvement is obligation. Civic environmentalism captures the energy of citizens, gives them a say in decision-making, and encourages them to recognize their civic duty. Policy is shaped by the circumstances of a particular place. Those who live and work in that place accept responsibility for actions to make the environment of that place better.

Like all really strongly held sentiments, love of place can prove highly problematic. The efforts of people to "pull up the bridge" around bucolic communities and to adopt a NIMBY ("not in my backyard") posture toward the construction of public facilities are prominent examples of the intense conflicts which can develop between broad public goals and local attachments. No amount of wishing will make those local attachments go away. Nor should one want to do that, because the feelings that give vent to these problems are closely akin to the feelings that provoke people to accept the responsibilities of environmental stewardship.

The key is to stimulate and harness the positive emotive powers of place while retaining sufficient centralized power in reserve to keep NIMBY, moat building, and other similar parochial impulses at bay. Several of the cases in this report do just that:

- **The Chesapeake Bay Program leverages the goals and authorities of the Clean Water Act to stimulate local land-use measures outside of the Act's jurisdiction to reduce the flow of pollutants into the Bay.**
- **The Sandhills Safe Harbor program in North Carolina engages local landowners to voluntarily participate in long-term plans to conserve habitat for red-cockaded woodpeckers in lieu of federal prescriptions that otherwise would have been required by the Endangered Species Act.**
- **City leaders in Wichita, Kansas, used the liability provisions of the federal Superfund law to catalyze a local solution to the Gilbert-Mosley brownfield site, thus avoiding a lengthy and litigious federal clean-up plan.**

These cases build upon the love of place to create tailor-made local solutions that support rather than contradict national objectives. A central goal of civic environmentalism is to devise specific policy designs and institutional arrangements that provide the best avenues for this type of engagement.

Thus, civic environmentalism does not displace federally imposed standards and objectives so much as it complements and supplements them. Nor does it substitute itself for the market; the tug of private interest is too strong for that. Alexis de Tocqueville said that American democracy rested on the principle of "self interest rightly understood." As the principle states, citizens embody a mix of selfishness and righteousness. Civic environmentalism recognizes that sound policy must appeal to both. Property owners, be they firms or individuals, feel entitled to use their property to their best advantage. But as long as their property rights are not unduly threatened, they can also be successful environmental stewards. The key is to enable them to act responsibly in ways that do not threaten their sense of entitlement. Their civic spirit is free to flourish when their private interests are made more secure.

Conceiving of environmentalism in civic terms offers two distinct advantages. It allows for better policy outcomes, and it increases the capacity of the people to govern themselves. Greater involvement in directing and managing their physical environment equips people with the skills and talents to become better citizens and leaders. Like athletics, democracy is a regimen. Deprived of the opportunity and the inclination to take part in civic life, the "muscles" needed for good citizenship atrophy. Since the New Deal, public policy has migrated from the local to the national level; indeed, environmental policy is one of the best examples of this trend. Although this centralization was justified at the time, it has had the unfortunate effect of weakening the civic tie. With less to deliberate about locally, citizens have had less opportunity to practice and perfect the democratic arts. The localizing thrust of civic environmentalism enables citizens to vigorously exercise their political skills, honing them to the level needed to sustain self-government.

Civic environmentalism also has the potential to moderate environmental conflict. At the national level, environmental questions all too often veer into symbolic disputes in which partisan camps sacrifice palpable goals to score ideological points. Those who want to protect a particular place cannot afford to play such games; they need tangible environmental outcomes, as the CALFED case study illustrates so well. They are far less likely to sacrifice concrete environmental improvement for the sake of adversarial one-upmanship.

Not all environmental issues are amenable to civic treatment. Many, such as acid rain or global climate change, will require a blend of civic, national, or even international approaches. But, increasingly, citizens are motivated to involve themselves in environmental policy-making because they love a particular place--be it the place where they live, where they hike, or simply

where they go to sit quietly and find some peace.

The power of place provides civic environmentalism with a vitality and clarity of focus that the more centralized version of environmental policy usually lacks. The strong common attachment to places inspires the bonds upon which civic action is based.

[CONTINUE to Section I >>](#)

Endnotes

1. For an excellent, pioneering discussion of this concept, see De Witt John, *Civic Environmentalism* (Washington, DC : CQ Press, 1994).

[Civic Enviro Home](#) | [Executive Summary](#)
[Section I](#) | [Section II](#) | [Section III](#)
[Chesapeake Bay](#) | [CALFED Bay-Delta](#) | [Coles Levee](#)
[Sandhills Safe Harbor](#) | [Gilbert-Mosley](#)
[Conclusion](#) | [Methodology](#) | [Resources and Contacts](#) | [About the Authors](#)

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Civic Environmentalism in Action

Private Incentives/Public Interest: Endangered Species Protection

SECTION II

COLES LEVEE ECOSYSTEM PRESERVE and SANDHILLS SAFE HARBOR

This pair of cases deals with problems of habitat conservation. They show how the thoughtful application of the principle of self-interest rightly understood can improve both environmental performance and economic efficiency.

The Endangered Species Act (ESA) is one of the more controversial environmental laws. One of its major weaknesses has been its inability to deal effectively with endangered species located on private lands. Roughly 70 percent of endangered plants and animals live on private property, so this failing is a significant one, both for the species and for the property owners. With no incentives written into the law for private landowners, the U.S. Fish and Wildlife Service (FWS) could use only penalties to force compliance. Consequently, the ESA became a rallying point for the property rights movement, a clear example to them of both overreaching by government and its preference for animals over people. Some private landowners believed that the discovery of endangered species on their property was tantamount to posting a "No Development" sign. They had every interest, therefore, in keeping Fish and Wildlife agents off their land and in destroying habitat before the government had a chance to find an endangered species. To compensate for these shortcomings, the FWS and others have developed mechanisms to deal with the private-land conflicts that have arisen. The following two cases were built around the innovations of *conservation banks* and *habitat conservation plans*.

In California, the state has helped the ARCO Corporation to preserve Coles Levee, a vast tract of valuable wildlife habitat, in a manner that allows the corporation to recoup the costs of that stewardship while obtaining added flexibility for its development projects elsewhere. Coles Levee is a conservation bank, based on the practice of mitigation: if a developer wants to build on an acre of environmentally sensitive land, he must compensate by setting aside an acre or more of similar land elsewhere. Conservation banks are large parcels of land managed for habitat preservation and assigned credits by the state wildlife agency. When a private entity wants to mitigate the environmental impacts of some activity on its land, it can buy habitat restoration credits from the manager of the bank, thus avoiding the complex, expensive process of creating new habitat.

In the Sandhills of North Carolina, the Safe Harbor program grew out of habitat conservation plans (HCPs), agreements between the landowner and the FWS to preserve endangered species habitat while allowing the landowner economic use of his

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

property. HCPs allow a landowner to apply for the "incidental take" (killing or injuring) of a species in the course of the use of the property. Safe Harbor advances the HCP idea by requiring landowners in the program to maintain a baseline population of the endangered species and encouraging them to attract more animals through habitat improvements and management for wildlife. A corollary to Safe Harbor is the "no surprises" policy that gives the plan an extended shelf life and landowners the assurance of stability in the regulatory process.

CONTINUE>>

[Civic Enviro Home](#) | [Executive Summary](#)
[Section I](#) | [Section II](#) | [Section III](#)
[Chesapeake Bay](#) | [CALFED Bay-Delta](#) | [Coles Levee](#)
[Sandhills Safe Harbor](#) | [Gilbert-Mosley](#)
[Conclusion](#) | [Methodology](#) | [Resources and Contacts](#) | [About the Authors](#)

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Civic Environmentalism in Action

Private Incentives/Public Interest: Endangered Species Protection

Coles Levee Ecosystem Preserve

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

THE ENVIRONMENTAL PROBLEM

The Coles Levee Ecosystem Preserve is a 6,056 acre conservation bank located in the southern San Joaquin Valley near Bakersfield, California. The southern San Joaquin Valley is home to more rare and endangered animals and plants than any other area in the lower 48 states. Created by the State of California's Department of Fish and Game (DFG) and ARCO Western Energy in October 1992, Coles Levee is a large, unfragmented oasis for over a dozen endangered species. ARCO manages the preserve and sells the credits it engenders to other landowners. ARCO extracts an average of 1,000 barrels of oil and 15 million cubic feet of gas per day at Coles Levee. When its reserves are exhausted, a conservation easement guarantees that it will be maintained as a wildlife preserve in perpetuity.

THE GOVERNANCE INNOVATION

If developers damage or destroy crucial habitat in one place, various federal and state laws can require them to mitigate by establishing or improving habitat elsewhere. Because developers and regulators may well differ about how much effort and expense such efforts should involve, costly and time-consuming disputes can occur. It is especially hard to live up to the spirit of this requirement when developments occur on small and widely scattered tracts.

The agreement between ARCO and DFG demonstrates an alternative approach to habitat preservation which still requires developers to contribute to mitigation activities, but does so in a comprehensive and flexible fashion better geared to achieving palpable environmental improvement and to removing undue burdens from the developers' shoulders. The approach is called a conservation bank. It encourages a firm to embark upon a relatively large-scale habitat preservation effort by providing the firm with mitigation credits based on the size of the preserve. The firm can either use those credits to mitigate developments it is engaged in elsewhere, or it can sell them to other developers who find buying such credits to be cheaper than engaging in mitigation efforts themselves. As the Coles Levee conservation bank demonstrates, this approach is environmentally superior because the large, well-planned preserve that constitutes the bank is of much greater value as species habitat than the scattered piecemeal mitigations which developers would otherwise provide. It is also economically beneficial because it enables the "banker" to recoup her investment and the "borrowers" to satisfy their environmental requirements at less cost.

Before the creation of the preserve, ARCO had, at any given

time, a number of small projects requiring mitigation. ARCO had to find mitigation parcels for each project, and DFG had to approve each one. In addition, the DFG realized that ARCO's operations at Coles Levee were probably violating the California and federal Endangered Species Acts, but neither it nor the U.S. Fish and Wildlife Service had the resources to monitor the area continually. ARCO agreed to properly maintain and monitor the wildlife preserve, reporting periodically to the DFG, in exchange for permission to continue its Coles Levee oil and gas operations and to obtain mitigation credits that it could either use or sell. One credit represents one acre of land at Coles Levee. The ratio of mitigation varies. If a project elsewhere creates a "permanent disturbance," it may have to purchase as many as three credits for every acre disturbed.

ARCO's responsibilities include conducting annual biological monitoring of certain species and performing biological surveys prior to beginning projects that threaten endangered habitat. The company also permits roughly 1,500 local 3rd through 8th grade students each year to visit the preserve to learn about its ecological, mineral, and cultural resources. DFG does no monitoring of its own. It reviews each habitat credit purchase to make sure that the habitat being destroyed is comparable to the Coles Levee habitat being preserved. Most of the projects requesting mitigation credits are local, so the habitat tends to be very similar. The DFG estimates Coles Levee meets the needs of nearly all the mitigations proposed thus far, thanks largely to the preserve's wide variety of habitats.

The permitting process for mitigation has been cut from months to weeks. DFG's pre-approval of the compensation credits sold to third parties reduces processing time and administrative fees. The credit purchaser does not need to provide a security deposit or letter; get a property appraisal; pay title, escrow, or tax fees; or assume any interest in or liability for the Coles Levee property. More than half of the one-acre credits have already been sold. Fees from developers seeking mitigation pay for most of the management operations and have helped to almost entirely recoup ARCO's initial investment in setting up the preserve.

ENVIRONMENTAL RESULTS

Because Coles Levee is already being managed for species restoration, its mitigations have a better chance of succeeding than those that create new habitat parcels. Indeed, populations of endangered species have been stable since the project's inception. Weather conditions and natural cycles have caused a decline in some species throughout the region, but DFG has no reason to believe ARCO's management is inadequate. The science is still inexact; ARCO and DFG are still doing research on the biology of the plants and animals in the preserve and are creating adaptive management strategies.

LESSONS LEARNED

- **State and industry cooperated**
- **Species conservation made profitable**

The partnership with ARCO has given DFG officials a new way to talk to industry about protecting endangered species without undue economic burden. It promotes cooperation rather than litigation. The Coles Levee model has created a market for smaller development projects to mitigate their environmental impacts easily, less expensively, and more effectively. Coles Levee harnesses the incentives of a large developer, ARCO, to a viable program of habitat preservation and restoration. Because of the ability to sell mitigation credits, the corporation can make money by managing a large ecosystem preserve. ARCO finds it easier to comply with endangered species legislation, and the company demonstrates good citizenship by voluntarily performing education and outreach services to the local community. DFG saves time, resources, and personnel by entrusting most of the monitoring of the preserve to ARCO.

[CONTINUE>>](#)

Read more about this case study, see [Coles Levee Ecosystem Preserve.](#)

[Civic Enviro Home](#) | [Executive Summary](#)
[Section I](#) | [Section II](#) | [Section III](#)
[Chesapeake Bay](#) | [CALFED Bay-Delta](#) | [Coles Levee](#)
[Sandhills Safe Harbor](#) | [Gilbert-Mosley](#)
[Conclusion](#) | [Methodology](#) | [Resources and Contacts](#) | [About the Authors](#)

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Civic Environmentalism in Action

Private Incentives/Public Interest: Endangered Species Protection

Sandhills Safe Harbor

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

THE ENVIRONMENTAL PROBLEM

The Endangered Species Act's (ESA) perverse incentives threatened to do in the red- cockaded woodpecker. It was among the first animals placed on the endangered species list. Once common in the Southeast, its numbers dwindled as its longleaf pine habitat was decimated by logging and farming. The ESA actually contributed to its demise because landowners were so fearful of being subject to ESA regulation that they were tempted to clearcut their land before any birds could nest there. Even if they did not actively destroy habitat, they had no incentive to improve it for fear of attracting more woodpeckers.

THE GOVERNANCE INNOVATION

To undo this perverse impact, the U.S. Fish and Wildlife Service (FWS) joined forces with a group of state and local organizations in central North Carolina known as the Sandhills Working Group. The novel concept they developed, which they dubbed "Safe Harbor," was to refrain from penalizing landowners for removing woodpecker habitat, provided they maintained habitat for a baseline population. If the landowner agrees to serve as a steward for the woodpeckers currently on his land, he is guaranteed that the government will not further restrict his use of his land, even if more woodpeckers or other endangered species are discovered. Without Safe Harbor, a property owner might begin logging on his land, only to find a year later that woodpeckers had begun to nest in his forest. He would then have to either cease his activities or apply for an incidental take permit (protecting him if he accidentally kills an endangered animal in the course of his activities), which he might or might not be granted. With Safe Harbor, he need not stop logging nor spend the time and money to apply for an incidental take permit, as long as he continues to find ways of protecting the number of woodpeckers he has already agreed to protect.

To initiate a Safe Harbor agreement, the landowner invites the Fish and Wildlife Service to inventory the red-cockaded woodpeckers on his lands, establishing a baseline population. He then signs an agreement promising to maintain and improve habitat as needed to sustain that baseline population. The landowner is prohibited from shooting, capturing, or otherwise taking these baseline birds. If he wants to engage in any activity that may result in an incidental taking of birds or habitat not part of the baseline, the property owner must not do so during the mating season and must notify the FWS agent in advance so that the birds can be protected or relocated. FWS agents and biologists are allowed to enter the property at reasonable times to verify that the baseline population is being maintained, to

identify the birds, and to relocate them as needed. The FWS cannot impose any further constraints on the landowner if new birds are discovered, so he has no reason to fear such discoveries.

Safe Harbor agreements generally last for 99 years, but a landowner can opt for a shorter agreement. Safe Harbor also benefits the local economy by enabling landowners to realize the economic benefits of longleaf pine production. Longleaf pine straw is a valuable mulching and landscaping material.

Production is at its highest in exactly the type of habitat needed by the woodpeckers: mature trees with little underbrush. Enrollees are the best salespeople for the program, spreading the word to other landowners and encouraging them to sign up. Of 72 land parcels with red-cockaded woodpeckers in the six-county Sandhills area, 24 have signed up for Safe Harbor.

Even landowners who currently have no woodpeckers on their property are applying for permits; they want to be sure that should they decide to plant longleaf pines, they would still be able to use their property as they wish, as long as they maintain sufficient habitat to protect a pre-determined number of birds.

ENVIRONMENTAL RESULTS

As of mid-1998, the baseline populations of red-cockaded woodpeckers were stable. FWS biologists had put in 8-15 new clusters of nest cavities in the previous year, but so far none of these clusters has attracted a known breeding pair. The program is still relatively new, however, and the FWS is confident that populations will soon increase. Safe Harbor permits FWS and other biologists to monitor and study birds on private lands where they previously weren't allowed; this access allows them to gather more data and refine plans to increase the number of woodpeckers.

LESSONS LEARNED

- **Property owners' fear of government removed**
- **State governments made partners in habitat protection**

By limiting the responsibility of landowners and providing them with certainty about the future, Safe Harbor has removed the fear of government that drove property owners to take actions they did not really want to take, such as clearcutting pines, to preclude woodpecker "infestation" that would bring the federal government down on their heads. These landowners have stopped their inflammatory rhetoric against the woodpeckers and the ESA and, in the civic environmental spirit, are now active partners in slowing or stopping the loss of the birds.

Safe Harbor makes state government a full-fledged collaborator in habitat stewardship, establishing baselines, and monitoring compliance. Other states, including Texas, Georgia, and Louisiana, have begun to adopt it. South Carolina's Safe Harbor had 15 landowners and 84,000 acres enrolled at its inception in 1998 and expects to have every landowner in the state with red-

cockaded woodpeckers signed up within a year.

[CONTINUE>>](#)

Read more about this case study: [Sandhills Safe Harbor.](#)

[Civic Enviro Home](#) | [Executive Summary](#)
[Section I](#) | [Section II](#) | [Section III](#)
[Chesapeake Bay](#) | [CALFED Bay-Delta](#) | [Coles Levee](#)
[Sandhills Safe Harbor](#) | [Gilbert-Mosley](#)
[Conclusion](#) | [Methodology](#) | [Resources and Contacts](#) | [About the Authors](#)

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Civic Environmentalism in Action

Private Incentives/Public Interest: Endangered Species Protection

Actions for Decision Makers

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

FEDERAL OFFICIALS

- Provide technical and financial assistance to states to establish baseline species population statistics, with priority given to regions actively engaged in incentive programs for private lands.
- Set baseline goals for ecosystem restoration, including targets for keystone species.
- Evaluate systematically the environmental performance of existing Safe Harbor and other innovative policies, and publicly report the outcomes annually.
- Keep Safe Harbor and other incentive programs flexible enough to adjust as more research is completed.
- Continue the use of the flexibility already within the Endangered Species Act to encourage local and regional landowner incentive programs.
- Fix the Endangered Species Act to provide comprehensive incentives to private landowners to help conserve and restore threatened and endangered species.
- Maintain credible and consistent standards for enforcement of federal and state statutes to support local implementation plans.

STATE OFFICIALS

- Assume authority for endangered species restoration as resources permit, drawing on the technical and financial resources of the federal government for support.
- Set credible, science-based goals for restoration.
- Build a legislative framework for state-based endangered species restoration that would allow state administration of the recovery programs to the maximum extent feasible and rely on incentive-based private landowner actions.
- Convene a working group of economic development interests in the state, environmentalists, and other members of the public to identify state environmental and economic interests for early resolution of endangered species conflicts.
- Establish a long-term environmental monitoring program.
- Provide front line technical support and one-stop regulatory guidance to private landowners where sufficient local capacity does not exist.
- Maintain credible and consistent standards for enforcement of federal and state statutes to support local implementation plans.

LOCAL OFFICIALS

- Define your community's economic interests in

conservation and development, drawing on assistance from the state, private sector, and nongovernmental organizations.

- Provide the leadership to bring landowners into discussions with state, federal, and other interests to structure innovative, market-based conservation programs.
- Draw on the resources of nongovernmental organizations, such as the Nature Conservancy and the Environmental Defense Fund, who have developed a track record of working successfully with private landowners.
- Work with state authorities to develop baseline measures of the ecological and economic health of the community.
- Provide a clearinghouse service to landowners on options available to conserve species and habitat.

CONTINUE>>

[Civic Enviro Home](#) | [Executive Summary](#)
[Section I](#) | [Section II](#) | [Section III](#)
[Chesapeake Bay](#) | [CALFED Bay-Delta](#) | [Coles Levee](#)
[Sandhills](#) | [Safe Harbor](#) | [Gilbert-Mosley](#)
[Conclusion](#) | [Methodology](#) | [Resources and Contacts](#) | [About the Authors](#)

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Civic Environmentalism in Action

Community Involvement: Brownfields Redevelopment

SECTION III

GILBERT-MOSLEY BROWNFIELD

The federal law governing abandoned hazardous waste sites is commonly known as Superfund. Superfund establishes a liability scheme which requires polluters to pay for cleaning up these sites. It has therefore served to stimulate extensive, privately funded cleanups. Unfortunately, the process which Superfund establishes for U.S. Environmental Protection Agency oversight of cleanup has historically been slow, cumbersome, and often excessively adversarial; recent administrative changes have improved the program. Parties responsible for part or all of the pollution can be vulnerable not only to lawsuits from EPA for the cost of cleanup, but also from owners of contaminated property for the loss in property values. Litigation over the allocation of cleanup costs can drag on for years or even decades; meanwhile, the site often remains contaminated and unused.

Being designated as a Superfund site carries a terrible stigma. Communities fear that such a designation will actually make it harder to redevelop the site, known as a "brownfield," after it has been cleaned up. Property values drop, so contaminated sites lose their worth as collateral for loans. No one wants to buy a parcel subject to the often- confusing Superfund liability. Therefore, communities, eager both to protect public health and to get abandoned properties back on the tax rolls, have been searching for ways to use the threat of Superfund involvement to encourage private parties and neighborhood groups to voluntarily and cooperatively devise alternative cleanup programs.

In Wichita, Kansas, local officials worked with banking and business leaders to organize their own non-Superfund cleanup of a large downtown site.

[CONTINUE>>](#)

[CE IN ACTION](#) [HOME](#)

[TABLE OF](#) [CONTENTS](#)

[EXECUTIVE](#) [SUMMARY](#)

[INTRODUCTION](#)

[SECTION I](#) [Partnerships:](#) [Watershed](#) [Restoration](#)

[SECTION II](#) [Private](#) [Incentives/Public](#) [Interest:](#) [Endangered Species](#) [Protection](#)

[SECTION III](#) [Community](#) [Involvement:](#) [Brownfields](#) [Redevelopment](#)

[CONCLUSION](#)

[CASE STUDIES](#)

- [Chesapeake](#)
[Bay Program](#)
- [Calfed](#)
[Bay-Delta](#)
[Program](#)
- [Coles Levee](#)
[Ecosystem](#)
[Preserve](#)
- [Sandhills Safe](#)
[Harbor](#)
- [Gilbert-Mosley](#)
[Brownfield](#)

[METHODOLOGY](#)

[RESOURCES AND](#) [CONTACTS](#)

[ABOUT THE](#) [AUTHORS](#)

[ORDER](#)

[Civic Enviro Home](#) | [Executive Summary](#)
[Section I](#) | [Section II](#) | [Section III](#)
[Chesapeake Bay](#) | [CALFED Bay-Delta](#) | [Coles Levee](#)
[Sandhills Safe Harbor](#) | [Gilbert-Mosley](#)
[Conclusion](#) | [Methodology](#) | [Resources and Contacts](#) | [About the Authors](#)

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Civic Environmentalism in Action

Community Involvement: Brownfields Redevelopment

Gilbert Mosley Brownfield

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

THE ENVIRONMENTAL PROBLEM

The city of Wichita, Kansas, discovered in August 1990 that a six-square-mile plume of contaminated groundwater was spreading underneath the main business section downtown--just after the city had announced plans for a \$75-million revitalization project in that very area. Once the toxic waste was discovered, however, banks refused to make loans to downtown businesses, and the ambitious redevelopment plan seemed impossible. The city's drinking water didn't come from the contaminated groundwater, so public health was not immediately threatened, but if unchecked, the contamination would eventually spread to drinking water supplies. The contaminated site, known as Gilbert-Mosley, included more than 8,000 parcels of property with about 550 businesses. Wichita officials feared that if the site were to be placed on the Superfund list, cleanup could take 10-20 years. The U.S. Environmental Protection Agency (EPA) would have to assign responsibility to polluters and probably go to court to force them to pay for their share of the cleanup. If city officials wanted to retain any chance of revitalizing downtown, they could not afford to have the site languish for years while EPA wrangled with the polluters.

THE GOVERNANCE INNOVATION

Wichita officials took the initiative to create a strategy which would allow them to avoid Superfund designation and restore the neighborhood's environmental and economic health. With the participation of the banking community and other affected industries, Wichita negotiated an agreement with the Kansas Department of Health and Environment (KDHE) and the EPA to permit the city to take over cleanup operations, based on five conditions: (a) the primary polluter must commit to paying for a portion of the cleanup; (b) banks must agree not to deny loans based solely on contamination of the property; (c) the city's liability is limited to what it can collect from responsible parties and tax increment financing; (d) the state legislature must pass an amendment to the tax increment finance law to allow the city to commit operating revenues for more than one year; and (e) the city must successfully create a tax increment finance redevelopment district.

Cleanup would cost an estimated \$20 million over 20 years, but Mark Glaser, a special consultant on the project, noted that "the annual property taxes at risk were worth that much." The main polluter, the Coleman Company, agreed to pay \$1 million to fund the remedial investigation/feasibility study and part of the cleanup. Without this agreement, Coleman would have been vulnerable to civil lawsuits from hundreds of owners of

contaminated properties seeking damages. Economically, it made more sense for Coleman to accept responsibility through partnership with the city than to take its chances in litigation.

To stimulate lending, the city, in cooperation with the lending community, issued certificates to downtown property holders which released them from future liability in the cleanup. These certificates, in conjunction with local banks' promise not to refuse loans solely because of contamination of the property, allowed the sale and development of downtown parcels. Banks agreed to grant loans because they already had substantial assets tied up in the affected area and because the city agreed not to hold the lender liable for any contamination found on the property. While this agreement would create the potential for more risky loans, it seemed a small price to pay compared to the loss the banks would suffer if the downtown area were listed as a Superfund site; all the money currently invested in these properties would be lost. The certificates of release demonstrated the city's confidence in the project, and property values quickly rebounded to their original levels.

The city's main funding strategy was to pursue responsible parties to pay 80 percent of the cleanup costs. While it would have been popular to force polluters to pay the entire cost of cleanup, the city would have run into exactly the problems it was trying to avoid by averting the Superfund designation: years of drawn-out litigation while the parties squabbled over who had to pay what share. Instead, to make up the 20 percent of funds not collected from responsible parties, the city set up a tax increment finance authority. Under this plan, part of the property taxes from the affected parcels would be dedicated to the cleanup. This type of tax district has been used in other communities to finance economic development; it ensures that any additional costs for programs that will benefit a certain area will be paid for with the taxes of that jurisdiction, rather than those of the whole community. Taxes were not raised, and no more than 20 percent of the district's tax revenues could be used for Gilbert-Mosley.

Wichita had to obtain the state legislature's approval for implementation of the tax increment finance district, as well as for exemption from the state's "cash basis law." This law was intended to restrain spending by forbidding local governments to commit operating revenues beyond one year at a time. However, Wichita would have to commit funding for 20 years to prevent Gilbert-Mosley from becoming a Superfund site. The same coalition which helped create the plan--city officials and their business partners--successfully lobbied the legislature to pass a special exemption for Gilbert-Mosley. Citizen involvement was an essential component of the city's plan. The city created two citizen participation committees to address technical and public outreach issues. The committees set up a telephone hotline, published a newsletter, and held public hearings.

ENVIRONMENTAL RESULTS

No cleanup of the contamination has occurred yet, but its spread has been stopped. As of 1998, the city had issued about 2,100

certificates of release. The owners of those properties were thus able to transfer their parcels to other parties. The area has seen about \$106 million in commercial loans which would have been impossible without the city's efforts. The program protected the health and finances of downtown citizens, preserved the tax base, protected the environment and restored the damaged properties--and the polluters paid for it. The city also demonstrated an enterprising approach to dealing with environmental problems while keeping economic concerns in mind; this reputation could give it an edge in attracting new businesses. The success of the Gilbert-Mosley project convinced EPA to allow Wichita to take over cleanup of another contaminated site in the city, the North Industrial Corridor, which had been listed under Superfund in 1989 and had been mired in the initial investigation stages since then. In 1996, the site became the first ever to be de-listed from the Superfund National Priority List and turned over to another entity for cleanup. As of May 1998, Wichita was about one year into the cleanup project.

LESSONS LEARNED

- **City and federal liability laws used as leverage**
- **Stakeholders involved from the beginning**
- **City kept the public informed and gained public trust**
- **City created partnerships with state and federal agencies**

Gilbert-Mosley succeeded because of the city government's initiative. It had risk-taking, innovative managers who figured out how to use the often-daunting liability provisions of Superfund to their advantage.

But any city undertaking such a lengthy, complex, and massive project must have adequate resources and the commitment to follow through on its plans.

Partnerships were vital to the success of Gilbert-Mosley. The city engaged stakeholders up front, particularly the lending community, which helped create the certificates of release, a major factor in restoring the downtown economy. The city succeeded in these partnerships in part because the project managers figured out what the stakeholders' interests were--primarily to avoid litigation and uncertainty, and to maintain competitiveness--and played to those drivers.

Implementing a risky policy requires the trust of the public. Wichita's leaders had demonstrated their competence in the past; based on these positive experiences, the constituents trusted their government. Project leaders were aggressive about keeping the public informed about the progress of the cleanup. The city's declaration that it would take responsibility for a \$20 million cleanup could have angered taxpayers who might fear they'd be stuck with the bill. Instead, Wichita's assiduous education and outreach efforts created public confidence in the project leaders and support for the cleanup. The city also spread the costs of cleanup as fairly as possible, putting most of the burden on the polluters yet recognizing that Gilbert-Mosley residents would

reap the benefits of cleanup and therefore should bear some share of the costs through the tax increment financing.

The state contributed to the success of Gilbert- Mosley by remaining flexible and by publicly supporting Wichita. City and state officials had worked together previously and had developed a professional relationship based on mutual trust and respect. In addition, turning the cleanup over to Wichita minimized KDHE's investment without sacrificing environmental protection.

[CONTINUE>>](#)

Read more about this case study: [Gilbert-Mosley Brownfield.](#)

[Civic Enviro Home](#) | [Executive Summary](#)
[Section I](#) | [Section II](#) | [Section III](#)
[Chesapeake Bay](#) | [CALFED Bay-Delta](#) | [Coles Levee](#)
[Sandhills Safe Harbor](#) | [Gilbert-Mosley](#)
[Conclusion](#) | [Methodology](#) | [Resources and Contacts](#) | [About the Authors](#)

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The Progressive Policy Institute (PPI)
Center for Innovation and the Environment
600 Pennsylvania Ave., S.E., Suite 400, Washington, DC 20003
Phone: (202) 547-0001



Civic Environmentalism in Action

Community Involvement: Brownfields Redevelopment

Actions for Decision Makers

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

FEDERAL OFFICIALS

- Present communities with alternatives to listing a contaminated site under Superfund.
- Publicize brownfields success stories and package them as models for other communities to follow.
- Continue to provide funds for communities to plan brownfields programs, initiate cleanup efforts, or substitute for absent responsible parties.
- Offer technical support and assistance to states and communities to assess environmental risks and the viability of remediation alternatives.
- Help communities to identify potentially responsible parties and to engage them in an early allocation of liability.
- Press for statutory changes in the remediation waste program of the Resource Conservation and Recovery Act (RCRA) that will cut red tape, allow for locally tailored solutions, and speed site cleanups.
- Allow realistic risk assessments and cleanup goals.
- Remove sites from the National Priority List when there is a city/state agreement to take over cleanup.
- Maintain credible and consistent standards for enforcement of federal statutes to support state and local brownfields programs.

STATE OFFICIALS

- Offer flexibility to community initiatives for brownfields redevelopment, including special legislation when needed to provide the financial resources to speed redevelopment.
- Work to increase the technical capacity of the state environmental agency to administer Superfund and RCRA programs, if the state has not already been delegated that authority by the EPA.
- Maintain credible and consistent standards for enforcement of federal and state statutes to support state and local brownfields programs.

LOCAL OFFICIALS

- Work with state and federal officials to define alternatives, resources, legal tools, and constraints.
- Identify and engage important stakeholders early in the process with the goal of developing a partnership to further joint objectives.
- Take bold leadership in controlling the process and outcome of brownfields redevelopment, using the resources at the state and federal level for support.

- Keep the public informed of every official step taken.
- Educate citizens to understand the risks, costs, and benefits involved with action and inaction.
- Instill public trust in local project leaders through consistent and open exchange of information.
- Pursue responsible parties for cleanup funds using the leverage of federal and state liability laws, but consider tapping into public resources to capture the public benefits of expeditious redevelopment.

CONTINUE>>

Civic Enviro Home | Executive Summary
Section I | Section II | Section III
Chesapeake Bay | CALFED Bay-Delta | Coles Levee
Sandhills Safe Harbor | Gilbert-Mosley
Conclusion | Methodology | Resources and Contacts | About the Authors

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Phone: (202) 547-0001



Civic Environmentalism in Action

Conclusion

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

The strength of civic environmentalism lies in tapping the creative abilities of citizens to solve the problems of a place that matters to them. Throughout the Chesapeake Bay watershed, for example, citizens have devised changes in land-use practices to improve the environmental health of the Bay. To act effectively, however, citizens need the legal tools and technical and financial resources to enable them to craft solutions likely to lead to lasting environmental and economic benefits. Transboundary problems like species conservation and estuary protection necessarily involve mandates by states and the federal government, but that doesn't mean that decisions on what specific actions to take must be prescribed from on high.

Conversely, even for highly localized land and groundwater contamination problems, local action is often enabled by state and federal liability rules and credible means of enforcing them. As an example, the federal Superfund law's liability provisions enabled the city of Wichita to reach an early agreement with one of the businesses responsible for the groundwater contamination, providing funds for planning and public outreach at a vital stage of project development.

Simple pronouncements from the left and the right about decentralizing environmental decisions miss the rich character of locally driven solutions. In each of these cases, problem-solvers at the local and state level mixed their own special blend of federal, state, and local authorities and private actions to get the job done. Those closest to the problem pieced together and implemented the solutions, but they often relied on legal tools, technical assistance, and financial resources provided by the state and federal governments. This is the story of the Chesapeake Bay: the authorities and funds of the federal Clean Water Act enabled the Bay states to launch their restoration program, beginning with additional controls on publicly owned treatment works. This is also the story of the CALFED program: Californians working with the federal government leveraged federal laws on water quality, endangered species, and water management to reach a new accommodation on restoration of the San Francisco Bay and San Joaquin-Sacramento Delta.

Civic environmentalism thrives in those places where relationships among public tools and private actions are, in de Tocqueville's phrase, "rightly understood." The cases demonstrate the creative ways in which market forces can be harnessed to bring about a solution to a long-standing environmental problem. In the Sandhills and Coles Levee cases, innovative agreements led to the creation of economic value for private landowners who voluntarily met their stewardship responsibilities. Yet, local government or a regional consortium

of public interests asserted leadership at vital points along the way to forge a public consensus and vouch for the environmental integrity of the project.

These cases foreshadow the richness of civic environmentalism emerging in the United States. As understanding grows of the new and often diffuse environmental challenges at home and abroad, the power of place and the need for civic engagement in problem-solving becomes even more compelling. We hope that *Civic Environmentalism in Action* helps citizens and policy-makers throughout the nation turn their many creative and constructive ideas into successful action.

[CONTINUE to Case Studies>>](#)

[Civic Enviro Home](#) | [Executive Summary](#)
[Section I](#) | [Section II](#) | [Section III](#)
[Chesapeake Bay](#) | [CALFED Bay-Delta](#) | [Coles Levee](#)
[Sandhills Safe Harbor](#) | [Gilbert-Mosley](#)
[Conclusion](#) | [Methodology](#) | [Resources and Contacts](#) | [About the Authors](#)

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Civic Environmentalism in Action

Appendix B

General Resources and Contacts

CE IN ACTION HOME

TABLE OF CONTENTS

EXECUTIVE SUMMARY

INTRODUCTION

SECTION I Partnerships: Watershed Restoration

SECTION II Private Incentives/Public Interest: Endangered Species Protection

SECTION III Community Involvement: Brownfields Redevelopment

CONCLUSION

CASE STUDIES

- Chesapeake
Bay Program
- Calfed
Bay-Delta
Program
- Coles Levee
Ecosystem
Preserve
- Sandhills Safe
Harbor
- Gilbert-Mosley
Brownfield

METHODOLOGY

RESOURCES AND CONTACTS

ABOUT THE AUTHORS

ORDER

Council of State Governments
P.O. Box 11910
Lexington, KY 40578-1910
Tel: (606) 244-8000
<http://www.csg.org>

Environmental Council of the States
444 N. Capitol St. NW, Suite 305
Washington, DC 20001
Tel: (202) 624-3660
<http://www.sso.org/ecos/>

International City/County
Management Association
777 N. Capitol St. NE, Suite 500
Washington, DC 20002-4201
Tel: (202) 289-4262
<http://www.icma.org>

National Academy of Public
Administration
1120 G St. NW, Suite 850
Washington, DC 20005
Tel: (202) 347-3190
<http://www.napawash.org/napa/index.html>

National Association of Counties
440 First St. NW
Washington, DC 20001
Tel: (202) 393-NACO
<http://www.naco.org>

National Association of Local
Government Environmental Professionals
1350 New York Ave. NW, Suite 1100
Washington, DC 20005
Tel: (202) 638-6254
<http://www.nalgep.org>

National Association of Towns
and Townships
444 N. Capitol St. NW, Suite
294
Washington, DC 20001
Tel: (202) 624-3550
<http://www.natat.org>

National Civic League
1445 Market St., Suite 300
Denver, CO 80202-1728
Tel: (303) 571-4343
<http://www.ncl.org>

National Conference of State
Legislatures
444 N. Capitol St. NW, Suite
515
Washington, DC 20001
Tel: (202) 624-5400
<http://www.ncsl.org/>

National Governors Association
Hall of the States, Suite 267
444 N. Capitol St. NW
Washington, DC 20001-1572
Tel: (202) 624-5300
<http://www.nga.org>

National League of Cities
1301 Pennsylvania Ave. NW,
Suite 550
Washington, DC 20004
Tel: (202) 626-3000
<http://www.nlc.org>

The U.S. Conference of Mayors
1620 I St. NW, Suite 400
Washington, DC 20006
Tel: (202) 293-7330
<http://www.usmayors.org/uscm/>

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HEADLINE: Civic environmentalism; solving environmental issues through informal local cooperative efforts

BYLINE: John, Dewitt

BODY:

Informal, local cooperative efforts should replace federal regulation in resolving many environmental controversies.

This should have been the year when the U.S. Environmental Protection Agency (EPA) became a cabinet-level agency and when four of EPA's seven major statutes were reauthorized. But a revolt against top-down, fragmented regulation has erupted, and these bills have run into roadblocks.

Support for traditional ways of protecting the environment has been eroding for some time. The public has not turned away from green values; polls continue to show strong support for tough standards and a widespread concern about threats to environmental quality. The crisis of confidence is not one of whether to protect the environment but of how to do it.

The search for alternatives to the entrenched approach has produced a promising new model of environmental governance called civic environmentalism. It features an emphasis on dealing with problems at state and local levels and involves a political process in which divergent values are recognized and many individuals and organizations work collaboratively to forge balanced, comprehensive solutions.

Civic environmentalism will not supplant the traditional federal command-and-control regulatory approach, which is still needed. Already, however, it has proved valuable in resolving problems not easily dealt with by blunt federal regulatory power. The challenge will be to integrate this new approach into the day-to-day workings of EPA and other federal agencies in which traditional regulation is deeply rooted. It will not be easy.

Past as prelude

For the past two decades, environmental policy has been structured around federal statutes. These laws--the Clean Air Act, the Clean Water Act, the Endangered Species Act, various wilderness acts, the Toxic Substances Control Act, Superfund, and so forth--have two critical features. First, they are fragmented. Each addresses individual species, pollutants, or forms of pollution and are backed by different constellations of interest groups. Second, they are top-down. They try to provide uniform national solutions, although without reducing state or local power. States implement most federal statutes, and they can set even tougher standards. Because environmental policy has relied so

heavily on regulation, its politics has been highly adversarial.

Three policy alternatives exist. Two are familiar: a top-down, comprehensive approach (rational environmentalism) and a bottom-up, fragmented orientation (populist environmentalism). The third alternative--civic environmentalism--takes a bottom-up, comprehensive approach. It uses new tools to address new kinds of problems, and it involves a new kind of environmental politics.

The best example of a top-down, comprehensive, rationalist approach is the National Environmental Policy Act, which requires federal officials to consider the environmental and socioeconomic impacts of decisions before they act. This is fine in principle, but an impact statement cannot bind all of the decisionmakers who must be involved in order to implement a comprehensive strategy.

Rational environmentalism can work in some situations. The World Bank is in a relatively strong position to frame broad policy guidelines for developing countries and to insist that they be adhered to. Homogeneous nations with a strong central tradition can also write comprehensive legislation with real bite. However, in a dynamic, diverse, market-oriented country such as the United States, the most useful function of rational environmentalism is to provide an analytical framework that helps decisionmakers understand their part in the broader picture. It provides vision, but little action.

The United States is also home to a vigorous tradition of bottom-up, single-issue, populist environmental activities. In the first years after Earth Day 1970, the slogan was "think globally; act locally." Sometimes this meant self-help efforts such as stream cleanups, local land trusts, or voluntary local recycling efforts. Sometimes it meant local protests of the sort that came to be known as NIMBY--"Not In My Back Yard."

Populism provides the conscience or emotional heart of environmentalism. Many issues first emerge as populist protests, where citizens demand change in specific situations. But since populist protests are inherently antigovernmental, their major impact on policy is usually to stimulate the creation of new interest groups and new top-down, fragmented legislation.

New challenges

When Americans woke up to environmental degradation after Earth Day, the most pressing tasks were to control pollution from point sources such as the smokestacks and drainage pipes of large industrial facilities and to protect fragile and pristine lands from development. In each case, stark choices existed between economic pressures and environmental goals. The common assumption at the time was that a bottom-up, consensus-oriented approach, which allowed state and local governments to consider economic goals as well as environmental ones, would always favor jobs over the environment. Thus, federal regulatory power was emphasized.

Today, however, three new kinds of environmental challenges have emerged that demand bottom-up, comprehensive approaches. The first is non-point pollution. Now that emissions from major point sources are largely being controlled, the task is to reduce pollution caused by small businesses or citizens themselves. Most of these culprits would never leave town because of stringent

environmental regulations, so there is no forced choice between jobs and the environment. Resistance to environmental protection arises instead from skepticism about government and reluctance to pay taxes. This weakens the argument for federal intervention.

Furthermore, federal regulation is often less effective with nonpoint sources. The sheer number of sources makes it difficult for regulators to monitor emissions and enforce standards. Instead, policymakers look for ways to recast nonpoint pollution as a point-source problem, for example by making auto manufacturers install controls on new cars instead of trying to persuade millions of people to drive less. When a problem cannot be simplified to a few point sources, policymakers often resort to public education, technical assistance, taxes, or voluntary programs. Such programs need not be nationwide; indeed, they are often more effective if they are customized to fit local conditions.

Prevention is the second new focus for environmental policy. Tough regulation is providing businesses with powerful incentives for reengineering their manufacturing processes so that they are less wasteful and produce less hazardous material. But some businesses, especially the small ones, lack the resources to find these alternatives. They need help from pollution-prevention and energy-conservation programs, which can provide technical assistance through university-based centers of applied research or economic development organizations.

Ecosystem management also requires departures from the fragmented, top-down system. It is now recognized that many valuable lands, including national parks and wilderness areas, cannot be protected by statutes that apply only within their boundaries. In addition, threats to ecosystems are multifaceted. For example, the threats to the Chesapeake Bay and the Columbia River arise from a poorly understood mix of point and nonpoint pollution as well as habitat loss. The scope, complexity, and uncertainty of ecosystem problems make it essential for fragmented agencies to work closely with each other and with policymakers in a system of "adaptive management" built around the individual ecosystem.

These new environmental challenges--nonpoint pollution, prevention, and ecosystem management--require new approaches to environmental governance. A fragmented system of uniform national rules is insufficient. More useful are economic incentives, technical assistance, public education, and voluntary government programs, all tailored to local conditions. Also required is collaboration between agencies as well as among experts in business, government, universities, and nonprofit organizations.

Practice makes perfect

Civic environmentalism emerged in the 1980s when federal environmental policy lost its momentum because of cutbacks in EPA budgets and gridlock between conservative presidents and more interventionist Congresses. The focus of activity began to shift. State environmental and natural resource programs almost doubled in the late 1980s, whereas EPA's operating budget has only recently returned to its 1979 peak in spending power. Federal dollars now contribute only a small portion of total spending--15 percent in many states, according to the Council of State Governments.

States not only raised the ante but also changed the game by investing in a variety of nonregulatory initiatives, sometimes with their own funds and sometimes with federal project grants. The major business of state environmental agencies is still centered on regulatory programs and, in most states, built around federal programs. However, a new breed of policies and politics has developed.

Initiatives in Colorado, Florida, and Iowa demonstrate the potential of a civic environmentalist approach. In each case parties in a bitter dispute developed new institutional mechanisms for informal dialogue and bargaining. The key was the emergence of a "shadow community" of environmental professionals in agencies, business, and environmental groups who created a local collaborative process, cutting across the fragmented system established by federal statutes. The shadow community developed a shared understanding of practical steps that could be taken to solve local problems. Importantly, these group discussions, although sanctioned by elected officials or political appointees, were not dominated by them.

In Iowa in the mid-1980s, a consortium was formed to deal with a problem for which no federal program existed--increasing contamination of wells and surface water from runoff of agricultural chemicals. The group--consisting of mid-level officials from the state geological survey, the extension service, Iowa State University, federal and state soil conservation agencies, and local water districts--worked to raise money for research, demonstrations of low-chemical agriculture, and farmer outreach. In 1987, it won legislative approval, after a bitter battle with the state association of chemical dealers, of a fee on farm chemicals to expand the consortium's activities. Although the bill included some new regulations, including a requirement that farmers who apply chemicals undergo training about environmental risks, it downplayed mandates and relied primarily on education and technical assistance to change farm practices. Since 1987 use of farm chemicals has dropped significantly. Equally important, attitudes have changed. A farmer who had participated in one of the consortium's demonstration projects was elected to head the chemical dealers' association. Currently, the consortium is seeking ways to help dealers make more money by selling information about how to farm profitably using fewer chemicals.

In Colorado, efforts by various mid-level professionals, particularly employees of the state public utility commission, the state energy office, and environmentalists, led to a successful drive to promote energy conservation. The process was not easy; the heavily regulated utility industry fiercely resisted changing a system in which profits increased only with increased sales of electricity. But prompted by the shadow community that developed, the Colorado commission created a formal collaborative process, bringing together experts from environmental groups, utilities, energy conservation firms, and industry outside the usual, adversarial regulatory process. This collaboration led to the creation of an incentive system in which utility companies could profit when consumers use less electricity as a result of company conservation measures such as providing free energy-saving light bulbs and providing building owners with technical assistance about energy conservation. Those involved received encouragement, technical assistance, and small grants from the U.S. Department of Energy, even though it had no authority at the time to require state commissions to support demand-side management programs.

The drive to save the Everglades, the once vast wetlands in central and south Florida, also illustrates the potential of a civic environmentalist approach.

The Everglades have been dying because their lifeblood water supply has been diverted to irrigate fields and control flooding. In a traditional use of interest-group environmentalism, federal officials filed suit in 1988 to force the state to get tough with a powerful polluter, in this case the sugar industry. The litigation accomplished little until 1991, when Florida Gov. Lawton Chiles directed mid-level state and federal agency professionals to negotiate a settlement. The settlement went beyond the issues raised in the lawsuit by addressing the quantity and timing of water flows into the Everglades as well as water quality. When the sugar industry refused to accept this agreement, state and local officials organized a mediation process that led to a series of negotiations and ultimately a state law to lock in the settlement. There is still debate about how much the sugar industry should pay for restoration. But already this story makes it clear that strong state and local leadership, in support of a shadow community of experts from many different agencies, can design a politically and technically feasible restoration plan.

A new national agenda

Although much of the leadership for building bottom-up, comprehensive policies will have to come from environmental professionals in a variety of organizations, governments at all levels have roles to play in furthering the spread of these policies. Local governments, in addition to conducting traditional activities such as regulating land use and collecting trash, can help shape policy for managing ecosystems and encouraging environmentally benign economic development. State economic development and environmental agencies can work in partnership with industry to prevent pollution and promote ecologically sound community development.

The federal government can provide top-down support for bottom-up initiatives. EPA and other agencies can provide the shadow community with information, expertise, and small grants. For example, top federal executives can encourage mid-level professionals to participate actively in the shadow community and in collaborative processes. In the Everglades, scientists working for the national park and the wildlife refuge, plus federal experts from outside the state, were key participants in the technical working groups convened locally to design the settlements. In addition to participating in state-level processes as federal officials, federal experts can work on loan to local agencies and organizations. A federal scientist working for a local environmental group played a central role in crafting Colorado's new approach to regulating utility companies.

Small federal grants can also help. The grants that spurred initiatives in Colorado and Iowa were not program grants; they did not support existing state or local activities. Rather, they were small project grants for demonstrations, conferences, and information sharing. They provided resources that state and local officials could use to step outside their current program activities to design and test new ways of doing business. EPA already provides many such small grants to states and is beginning to offer support to associations of local officials.

Federal agencies may also be able to help jump-start local collaborative processes. In Iowa, the opportunity to apply for federal project grants was a catalyst that helped bring the shadow community together in a formal consortium. In Chesapeake Bay and the Pacific Northwest, the federal government took the initiative, establishing formal mechanisms for interstate and

intergovernmental planning and collaboration. These mechanisms will be far more successful, however, if they are not dominated by federal officials. Federally dominated working groups that report to federal political appointees can easily upset negotiations by failing to engage state and local agencies, even when the federal working groups do first-class technical work.

Nonetheless, an important federal role is to document civic environmentalism and discipline it with evaluation. It would be unusual for a federal agency to organize regular program assessments that were unconnected with federal regulations or grants. But EPA and other federal agencies could help states and localities tremendously by providing organizing funds for collaborative self-evaluations by teams of government officials and experts from other organizations.

Some big, attention-getting steps would also bolster bottom-up, comprehensive approaches, but none are currently under discussion in Congress. No one has yet drafted a bill to give EPA the mandate to support bottom-up initiatives on a systematic basis, although a state-EPA task force recently recommended that all reauthorizations specifically direct EPA to build state-level capacity. Federal legislation is needed to recognize the importance of bottom-up initiatives, giving EPA and other agencies a clear mandate to embark on them.

Pending legislative action, federal managers can do a lot to foster the competence of state and local agencies. Practical steps could include swapping staff, helping to construct data bases about environmental conditions, and joint training. Federal agencies could also encourage local participation in planning and budgeting. In 1994, 10 states and Native American tribes took part in EPA annual planning meetings for the first time.

Federal managers could also introduce greater grant flexibility. This would allow states to use grant funds to build nonregulatory capacity for environmental restoration or pollution prevention. A new formula-grant program could also serve these purposes, but flexibility would be better.

Another strategy could involve expanding the traditional focus of federal agencies beyond their statutes, their regulations, and their lands. This would involve forming new partnerships with state and local economic and community development agencies and with other new constituencies. For example, the Forest Service already has begun a small grant program to help timber-dependent communities diversify local economies. The Park Service is supporting the salary of a town planner outside Rocky Mountain National Park. The Bureau of Land Management could mount similar projects.

Much of this could lead to reorganization and redirection of EPA and other federal agencies involved in environmental management. EPA, in particular, already has several small programs and branches that work directly with state and local efforts to prevent pollution or employ nonregulatory measures. The staff people are often creative but are operating out of the mainstream, which still concentrates on regulation. These programs should be evaluated, brought together organizationally, and recognized as an important component of EPA.

Civic environmentalism requires of federal agencies an indirectness, openness, and self-restraint that do not come easy to any bureaucracy, especially one designed to regulate. But the times require new approaches, and much can be done even without new federal legislation.

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SECTION: REFLECTION; Vol. 7, No. 5; Pg. 8

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HEADLINE: CIVIC ENVIRONMENTALISM: BEYOND THE MYTHS

BYLINE: DeWitt John; DeWitt John, director of the Center for Competitive, Sustainable Economies at the National Academy of Public Administration, is the author of Civic Environmentalism: Alternatives to Regulation in States and Communities (CQ Press).

BODY:

Carol Browner, administrator of the U.S. Environmental Protection Agency, knows she must build a new partnership with state and local governments. Local governments are in rebellion against unfunded environmental mandates, and states are less willing than ever to accept EPA dictates. Meanwhile, authorizations for four major EPA programs--water, drinking water, Superfund and waste--are expiring, and EPA will need state and local support if Congress rewrites these programs.

Underlying these short-term considerations is a fundamental shift in federal-state-local relationships. EPA Associate Administrator Shelley Metzenbaum says the shift arises from the "maturing and growing sophistication of the enterprise of environmental protection." Indeed, the assumptions--the myths--that have guided federal environmental policy since Earth Day 1970 are worn out.

MYTH #1: You cannot trust states to crack down on pollution. Environmental policy was shaped in the 1970s from studies such as the Nader group's "The Water Lords." It told how timber and chemical firms that were fouling the water around Savannah escaped regulation. Local officials pressured the state, fearing that the firms would cut back or leave town altogether.

The climate has changed since the 1970s. Sure, regulators still come under pressure. But the focus of environmental policy has widened to target households, cities, farmers and small businesses who would never leave town. And many corporations accept regulation as inevitable and want consistency and prompt decisions more than anything else.

If spending on environmental programs is a guide to political will, you can trust states at least as much as the federal government. In real terms, EPA spending is still below its peak in 1979, while states more than doubled their spending just between 1986 and 1991.

MYTH #2: The federal government can force states to be tough regulators. In the phrase of former EPA Administrator William Ruckelshaus, EPA should be "the gorilla in the closet," ready to emerge when state regulators are weak. State officials still find it useful to threaten polluters and state legislators with a federal gorilla. But EPA's leverage is limited. According to Steven Brown of

the Council of State Governments, the average state receives only 14.8 percent of its environmental budget from federal grants.

Discussing California's 1992 refusal to enforce the Safe Drinking Water Act, Tom Curtis of the National Governors' Association put it like this: "Governor Wilson opened the door to an EPA takeover, and we found the Wizard of Oz--no gorilla, just a skinny old man blowing smoke and pulling wires." If a state were to surrender its responsibility back to EPA, as Indiana is now doing for water and waste permits, it will find that EPA lacks the staff and budget to take over.

MYTH #3: Only tough regulation stops pollution. Regulations impose standards or uniform requirements. This can work well when there are few sources of pollution, such as smokestacks or drainage pipes from large industrial complexes. In the 1970s, federal laws focused on these "point sources" and put us on the path of top-down policy.

For the past decade, we have been struggling to extend protection to different situations. When there are many small-scale polluters, it is harder to find and discipline them, so regulation works best when combined with education and technical assistance. When the goal is to prevent pollution, small businesses often need information about "green" practices.

Certainly, regulation helps make non-regulatory tools more effective. But to see only the threat of sanctions is to miss half the story.

MYTH #4: Environmental politics is always confrontational. There are still plenty of holy wars. But around the country, thousands of state officials and activists are working with business and local governments to design incentives, technical assistance and educational efforts to solve non-point problems, protect ecosystems and prevent pollution. Inevitably, this means taking off white hats and cutting deals.

Environmental laws have created new jobs for environmental professionals. Sometimes they coalesce into "shadow communities" of experts who share a sense of a broader enterprise that cuts across agency and public-private lines. The collaborative processes which state utility commissions have helped organize to design incentives for conserving electricity are examples of tapping shadow communities.

THE NEW REALITY: While top-down regulation is still the backbone of environmental policy, a process of "civic environmentalism" is emerging as the muscle of the new environmental agenda for non-point pollution, pollution prevention, management of ecosystems and promotion of sustainable development. Civic environmentalism adds a wide variety of non-regulatory tools to traditional federal regulation. Civic environmentalism engages a wide array of players in addition to environmental agencies in "bottom-up" incentives--players such as economic developers, local public works departments, state community affairs departments, nonprofits, university-based research centers, business groups, foundations and environmental advocates.

Unlike regulation, which requires an irreducible element of consistency, the non-regulatory tools of civic environmentalism can be tailored to fit local circumstances and to leverage local resources.

Supporting "bottom-up" civic environmentalism should be just as important a federal responsibility as writing and enforcing tough regulations. EPA and other federal agencies can help by providing expertise and information, participating in state- or locally-driven collaborative efforts, and by developing data that states and localities can use to assess their effort to improve environmental quality. And federal officials can help articulate the new role of states and localities, not only as implementers of federal regulations but also as leaders in addressing the new agenda of environmental issues.

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HEADLINE: THE DAWN OF CIVIC ENVIRONMENTALISM ?

BYLINE: NEAL R. PEIRCE

HIGHLIGHT:

In recent years, severe overfishing has raised the specter of economic ruin for fish-dependent towns from Maine to New Jersey.

BODY:

For years, as the mayor of New Bedford, Mass., one of America's legendary and great fishing ports, John Bullard struggled for his town's interests.

These days, Bullard is working for the Clinton Administration in the nation's capital, as the chief of sustainable development in the Commerce Department's National Oceanic and Atmospheric Administration (NOAA). And it turns out that New Bedford -- and indeed, all the fishing towns up and down the nation's northeast coast -- are on his agenda again.

In recent years, severe overfishing has raised the specter of economic ruin for fish-dependent towns from Maine to New Jersey. In 1993 alone, for example, the catch dropped 30 per cent. The stock of haddock, once America's fish staple, is commercially extinct. Yellow-tailed flounder and other species are at historic lows. Thousands of fishermen could soon be thrown out of work and onto the welfare rolls.

Here's a problem that's far beyond the traditional capacity of Washington for "command and control" environmental regulation. It's far more complex than controlling the belching smokestacks of industrial America or the untreated sewage that flows into the nation's waterways. In this case, there's a clear and present threat to an entire ecosystem, with huge economic stakes for people who make their living off a natural resource.

It's becoming less and less thinkable that the federal government can -- or even should, if it could -- try to devise custom-made answers for each region, each resource crisis. The approaches for the 1990s dictate that the protection of the environment and the development of job opportunities go hand in hand. And that the people who are most affected -- at the state, regional and local levels -- need to be the chief architects of the solutions.

There's now, in fact, a Presidential Council on Sustainable Development. A third of its 25 members come from industry and another third from environmental organizations; the rest hold Cabinet or sub-Cabinet positions in the Administration.

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And Bullard is trying to make the federal government an honest broker in generating a "bottoms-up" answer to the fisheries crisis. Instead of Washington's typical approach -- putting its bureaucrats to work analyzing a problem, then announcing mandates and regulations -- he's going the messy, democratic route of convening eight local meetings.

Starting in Gloucester, Mass., and continuing in the most affected fishing communities up and down the eastern seaboard, the meetings are designed to encourage all the players -- fishermen, environmental activists, local civic and political leaders -- to suggest solutions that they think might work.

The impetus for action: NOAA will issue draconian "stop fish" orders, cutting fishing time to a fraction of the days now allowed, unless other solutions can be identified.

Different places may have different strategies for fishing limits and alternative approaches to economic development. Bullard hopes to convene meetings to induce leaders from the fishing communities to join in creating a comprehensive northeast fisheries plan. If it's sound enough, he sees hope that Congress might embrace it.

DeWitt John, who heads the Center for Competitive Sustainable Economies at the National Academy of Public Administration -- a congressionally chartered, not-for-profit organization based in Washington -- has a new phrase for the consultative, bottoms-up planning process to address these issues. He calls it "civic environmentalism" -- which is also the title of his new book (Congressional Quarterly Press).

In John's view, civic environmentalism doesn't deny the need for tough federal regulatory standards, where they're appropriate. But it does hold that forums are needed to bring the fragmented array of federal, state and local agencies together with business and community leaders to find better environmental solutions and economic strategies to go along with them ("greener" manufacturing processes, for example).

These approaches are ideal, John contends, for industries that are clearly dependent on natural resources, such as timber, farming, fishing and even tourism. The viability of each depends on not exhausting natural resources -- timber, soil, stocks of fish or scenic views.

Bullard suggests that when the interested parties are part of the solution, rather than having it imposed on them from afar, they "buy into it." Consequently, he says, the proposed solution has a greater chance of success.

The role of the federal government in this new approach is to put its regulatory guns behind the door and leave them there as long as there's hope for reaching environmental goals through community-devised plans. Federal regulators can help by convening groups across state lines, possibly providing matching grants to get the local talks rolling. They can provide technical information and backup. Then they can readjust their resources to help make the locally devised solutions work.

The states or regions can become responsible for working out environmental solutions that include strong economic development, a big concern to them.

Most important, the local communities get to do it for themselves. They become more competent and more strategically oriented.

No one argues that such bottoms-up environmentalism is easy: Witness the agony of northwestern leaders in trying to create a consensus plan for the northern spotted owl, even with President Clinton's direct involvement.

And civic environmentalism may work more easily in the "greener" states -- a Minnesota or Vermont, for example -- than in states such as Louisiana or Texas that have been historically dominated by industry.

But where and when civic environmentalism works, it may be an especially promising ticket to a vigorous federalism for the 1990s.

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