

US EPA ARCHIVE DOCUMENT

**Charge to the
National Advisory Council for Environmental Policy and Technology (NACEPT)
For A Project on Environmental Stewardship and Cooperative Conservation**

I. Background

The Administrator has requested that the National Advisory Council for Environmental Policy and Technology (NACEPT) review recent EPA efforts on two important and closely related priorities – Environmental Stewardship and Cooperative Conservation – and make recommendations on how EPA can pursue these priorities most fruitfully.

1. Environmental Stewardship

On November 9, 2005, the EPA Innovation Action Council (IAC), a group of the most senior career officials from each headquarters and regional office, submitted a report to Administrator Stephen L. Johnson, *Everyday Choices: Opportunities for Environmental Stewardship*. Several state officials also participated.

In the Administrator's charge to the IAC on May 9, 2005, he noted that "in addition to operating effective regulatory and enforcement programs, EPA is gaining substantial experience with stewardship approaches – including voluntary programs, market incentives, recognition and leadership programs, pollution prevention, environmental education, information and collaborative problem solving. Although these stewardship efforts are designed to produce environmental results, EPA can improve their effectiveness with a more unified strategy and with clear goals and priorities." With this in mind, he asked the Innovation Action Council to "(1) Explore and better define EPA's vision of environmental stewardship and the role of stewardship in the future of environmental protection; (2) Assess EPA's current environmental stewardship activities to determine effectiveness and opportunities for improvement; and (3) Recommend options and priorities for how EPA, in partnership with states and tribes, can encourage stewardship that addresses environmental priorities and achieves results.

The IAC established a committee with broad membership from around the Agency and representatives from the Environmental Council of the States to undertake the project. In addition to its own research, the committee drew on the wisdom of a number of experts and stakeholders. The IAC's report:

- Proposes a vision for environmental stewardship at EPA:
"As our population and economy continue to expand, the U.S. can accelerate environmental progress while simultaneously strengthening our global competitiveness. In short, we have exciting opportunities to create a more sustainable future in this country and with our partners around the world. However, this bold goal cannot be accomplished by government alone; rather it requires the active engagement of all people. To this end,

we have a vision of environmental stewardship – where all parts of society actively take responsibility to improve environmental quality and achieve sustainable results.”

- Indicates that EPA has a number of environmental stewardship efforts underway, and that there is opportunity to develop them further.
- Identifies six important natural resource systems for which sustainable outcomes should be sought: air, ecosystems, energy, land, materials and water. It also identifies four key audiences for the stewardship message: individuals, companies, communities and government organizations.
- Suggests five major categories of options for EPA to enable and encourage environmental stewardship among the key audiences:
 1. Focus on priority environmental problems where stewardship has greatest potential
 2. Engage individuals in environmental stewardship
 3. Showcase best practices and accomplishments
 4. Lead by example
 5. Mainstream stewardship in EPA decision processes

The Administrator accepted the report and wrote a Preface in which he states:

“This report outlines what I believe is the next step in an ongoing evolution of policy goals from pollution control to pollution prevention and sustainability. It also reflects an important reality – that while the Environmental Protection Agency (EPA) and our state partners share responsibility for bringing about our nation’s environmental progress to date, we have not done so alone....Over the coming months, we will discuss the report’s recommendations and expand our efforts to make stewardship an inherent part of how we achieve our mission. Environmental stewardship will help us build upon our nation’s existing environmental efforts and ensure we, as a nation, are able to provide our children a safer, healthier environment, and a more economically vibrant future.”

The IAC is now initiating a series of activities that respond to the report. As it engages in this task it is clear that the agency can benefit from outside advice on the challenges and opportunities that it faces.

2. Cooperative Conservation

In August, 2004, President Bush signed Executive Order #13352 entitled “Facilitation of Cooperative Conservation.” The Order directs the Departments of Defense, Interior, Agriculture, Commerce and the Environmental Protection Agency to work with the Council on Environmental Quality and each other to implement laws relating to the environment and natural resources in a manner that promotes cooperative conservation, with an emphasis on local involvement.

The Order defines Cooperative Conservation as “actions that relate to use, enhancement, and enjoyment of natural resources, protection of the environment, or both, and that involve collaborative activity among Federal, State, local and tribal governments, private for-profit and nonprofit institutions, other nongovernmental entities and individuals.”

To advance the spirit and objectives of the order, the White House Council on Environmental Quality (CEQ) convened a Conference on Cooperative Conservation in August, 2005. Over 1300 leaders from across the nation convened in St. Louis to generate innovative ideas to strengthen conservation partnership and promote citizen stewardship.

In May, 2005 Senator Inhofe, Chair of the Environment and Public Works Committee, and Congressman Duncan, Subcommittee Chair of the Water Resources and Environment Committee, introduced “The Good Samaritan Clean Watershed Act” on behalf of the Administration and EPA. The legislation removes the potential liability for volunteer organizations willing to restore watersheds affected by acid drainage from hardrock mines. The legislation is follow-up to an administrative initiative announced by EPA Administrator Johnson at the St. Louis Conference.

By August 2006, EPA will provide its input to the CEQ annual report to the President on progress made in implementing EO 13352.

CEQ is now coordinating an interagency Task Force among the above 5 agencies to implement recommendations from the White House Conference. The following four areas constitute the framework for action that each agency is addressing:

1. Develop the capacity needed to hire and train Federal employees in a manner that promotes greater collaboration. Recognize and reward outstanding partnership and collaboration achievements.
2. Further cooperative conservation through administrative, regulatory and legislative improvements.
3. Utilize communication, outreach and public education as a mechanism for increased stakeholder participation in cooperative conservation.
4. Develop tools and mechanisms for agencies and their partners to assist collaborative efforts in achieving desired outcomes.

EPA activities and commitments to implement the Draft Action Plan to date include:

- Collaboration and Partnering Competencies: An essential building block in the effort to expand the use of Cooperative Conservation among each of the five agencies is an Action Plan – EPA’s was submitted to OPM and CEQ on March 31, 2006 – to build knowledge and capacity in collaboration and partnering, and to foster collaborative leadership at all levels by elevating collaboration skills in hiring, training, and recognition of personnel. Pursuant to the Administrator’s charge in the Plan, the Human Resources Council, the National Partnership Council, and the Innovation Action Council are reviewing the plan and will help develop specific actions and milestones to implement it. In concert with the other Cooperative Conservation agencies, EPA will also consult about the appropriate

scope and definition of competencies with outside experts on collaborative problem-solving, many of whom facilitated the White House Conference.

In late 2006 and early 2007 EPA will participate in the nominations and review process for the President's Award for Excellence in Cooperative Conservation. EPA will also establish an internal system for recognizing excellence in collaboration in 2006 and present its first awards in 2007.

- EPA Leadership of and Participation in Cooperative Conservation Activities: EPA is leading and participating on several Cooperative Conservation working groups, focusing on:
 - potential FACA barriers to collaboration and possible legislative solutions,
 - innovative ways to engage the public in federal decision making (both regulatory and non-regulatory – i.e., regulatory negotiation and e-rulemaking),
 - a user's guide to legal authorities related to cooperative conservation,
 - expansion of environmental conflict resolution capacity,
 - creating and promoting market-based incentives (EPA is sponsoring 2 workshops on the effective use of trading in March and May, 2006).

The Agency has also recently sponsored a workshop on use of regulatory negotiation with DOI. Areas of interest to conference attendees where workgroups have not yet been formed include creating a more outcome based approach to cooperative conservation, development of scientific data and information to support cooperative conservation, and measurement and monitoring.

II. Some Questions EPA is Confronting on Environmental Stewardship and Cooperative Conservation

1. For what types of environmental problems and conditions can environmental stewardship and Cooperative Conservation approaches be most useful?
2. How should EPA approach the task of enabling the Agency to focus more effectively and regularly on sustainable outcomes? How might we sharpen the way we approach the six sustainable outcomes cited in the *Everyday Choices* report?
3. How can EPA best approach the major external parties which it needs to reach – individuals, business, communities and government organizations? In particular, how can EPA best reach individuals and states? As the White House Conference challenged us, what are the most promising, productive opportunities to change EPA's culture to emphasize the achievement of our mission through collaboration and partnerships with other stakeholders?
4. How can EPA measure progress and success better for sustainability and environmental stewardship and Cooperative Conservation and what new information do we need to develop? In this connection, how can EPA better involve partners and stakeholders to develop clear goals, objectives, and criteria for measuring progress and success?
5. To build more trusting relationships with partners and stakeholders on environmental stewardship and Cooperative Conservation, how can we best ensure that outreach and

information sharing are effective, communications are clear and consistent, and decision-making processes are inclusive and transparent?

6. How can EPA move to a comprehensive agency-wide strategy on environmental stewardship and Cooperative Conservation? What else can EPA do to improve the internal clarity of its role in these areas? In particular, how can EPA do this given the nature of its organization, culture, statutes, appropriations and so forth?
7. Concerning issues of human resources and capacity building, how can EPA best build the collaborative competencies of its staff? What are the key competencies and how should they be defined?
8. Where are the best opportunities for EPA to work with other Federal agencies on environmental stewardship and Cooperative Conservation? Should we pursue collaborations on a selective opportunity basis or should we develop a strategy for a more systematic approach?
9. What (if any) related issues concerning legislation does EPA need to consider?

III. Charge to NACEPT

EPA requests NACEPT to provide assistance as follows. NACEPT's advice and views would be most helpful if supplied to the Agency within approximately 12 months of receiving this charge.

1. Review *Everyday Choices: Opportunities for Environmental Stewardship*, plus the associated Implementation Plan. The review should address the following questions:
 - Is the vision of environmental stewardship appropriate and is what it implies for the focus and role of EPA realistic?
 - Is the evaluation of EPA's current environmental stewardship activities on target?
 - Do the five sets of options for EPA that are described appear to include the most important opportunities, both overall and individually?
 - Does the Implementation Plan direct EPA's attention to the most important opportunities?

The review should also address at least the first four questions in Part II above, plus any of the other questions in Part II that NACEPT decides to address.
2. Evaluate EPA's activities in support of the interagency Cooperative Conservation Action Plan. Consider in particular EPA's efforts in the following areas, as well as any questions in PART II above that NACEPT is able to address:
 - Human resource systems
 - EPA leadership of Cooperative Conservation efforts
 - Innovative ways to engage the public in Federal decision making
 - Strategic approaches to empower states/local communities to initiate more collaborative problem solving (i.e. incentives, community environmental management systems)
3. Write a report to the Administrator describing NACEPT's findings and recommendations relating to items 1 and 2 above. The report should address what EPA needs to do to meet the challenges of sustainability and stewardship of our

natural resources by all parts of society, and of increasing collaborative decision-making by EPA.

In this report NACEPT may also choose to reflect on related general issues and how they may affect the Agency's mission, roles, and future directions, including:

- The changing nature of environmental challenges, our evolving understanding of their origins and consequences, and the expanded goals that many members of society are adopting, especially concerning sustainability, and the greater realization of participatory democracy through stakeholder and public inclusion in governmental decision-making.
- The results of NACEPT's other recent assignments (energy and environment, water infrastructure, new technologies, and innovative partnerships and approaches).
- Some related activities at EPA, e.g., partnership/voluntary program coordination and the Sustainability Research Plan.

The report could be loosely modeled on the EPA Science Advisory Board's 1990 report, *Reducing Risk: Setting Priorities and Strategies for Environmental Protection*, in which the SAB reviewed the Agency report, *Unfinished Business: A Comparative Assessment of Environmental Problems*, and made recommendations to the agency on implementation.